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1136

No. 3095

United States 1136
Circuit Court of Appeals

For the Ninth Circuit. /

Transcript of Record.
(IN FOUR VOLUMES.)

LOST HILLS MINING COMPANY, a Corpora-
tion, and UNIVERSAL OIL COMPANY,
a Corporation,

Appellants,

vs.

THE UNITED STATES OF AMERICA,
Appellee.

VOLUME I.
(Pages 1 to 384, Inclusive.)

Upon Appeal from the United States District Court for the
Southern District of California, Northern Division.

FILED

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F. D. MONCKTON,
CLERK.

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*In the District Court of the United States, for the
Southern District of California, Northern Di-
vision, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE LOST HILLS MINING COMPANY, THE
UNIVERSAL OIL COMPANY, and THE
ASSOCIATED OIL COMPANY,

Defendants.

Citation on Appeal.

The United States of America,—ss.

To the United States of America, GREETING:

YOU ARE HEREBY CITED and admonished to be and appear at the United States Circuit Court of Appeals, Ninth Circuit of the United States, to be holden at San Francisco, California, on the 18 day of February, 1917, pursuant to an appeal filed in the clerk's office of the United States District Court in and for the Southern District of California, Northern Division, Ninth Circuit wherein the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, are appellants and the United States of America is respondent to show cause, if any there be, why the order and decree appointing Howard M. Payne receiver of the properties involved in the above-entitled suit should not be corrected and speedy justice should not be done to the parties on that behalf.

WITNESS the Honorable MAURICE T. DOOLING, Judge of said District Court this 19 day of January, in the year of our Lord one thousand nine hundred and seventeen and of the Independence of the United States of America one hundred and forty-first.

M. T. DOOLING,
District Judge. [4-A*]

[Endorsed]: In Equity. A-52-Eq. In the District Court of the United States for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. The Lost Hills Mining Company, The Universal Oil Company, and The Associated Oil Company, Defendants. Citation on Appeal. Filed Jan. 23, 1917. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk.

Due service of the within citation on appeal is hereby admitted and acknowledged on behalf of the United States this 19th day of January, 1917.

ALBERT SCHOONOVER,
United States Attorney,
E. J. JUSTICE,
FRANK HALL,
Special Assistants to the Attorney General,
Attorneys for Appellees.

*Page-number appearing at foot of page of original certified Transcript of Record.

Names and Addresses of Attorneys.

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For Appellees:

ROBERT O'CONNOR, Esq., United States
Attorney, Los Angeles, California;
HENRY F. MAY, Esq., and FRANK
HALL, Esq., Special Assistants to the At-
torney General, San Francisco, California.
[6-A]

*In the District Court of the United States of
America, in and for the Southern District of
California, Northern Division.*

IN EQUITY—No. A-52.

THE UNITED STATES OF AMERICA,
Complainants,

vs.

LOST HILLS MINING COMPANY, a Corpora-
tion, UNIVERSAL OIL COMPANY, a Cor-
poration and ASSOCIATED OIL COM-
PANY, a Corporation,

Defendants. [7-A]

*In the District Court of the United States, for the
Southern District of California, Northern Divi-
sion, Ninth Circuit.*

IN EQUITY—No. —.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNI-
VERSAL OIL COMPANY, and ASSO-
CIATED OIL COMPANY,

Defendants.

Bill of Complaint.

To the Judges of the District Court of the United States for the Southern District of California, Sitting Within and for the Northern Division of Said District:

The United States of America, by Thomas W. Gregory, its Attorney General, presents this, its Bill in Equity, against Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, the above-named defendants (citizens and residents, respectively, as stated in the next succeeding paragraph of this bill), and for cause of its complaint alleges:

I.

That each of said defendants now is, and at all times hereinafter mentioned as to it was, a corporation organized and existing under the laws of the State of California.

II.

That on and before the 27th day of September, 1909, the following described lands, to wit:

The Northwest Quarter, and the Southeast Quarter, of Section Thirty (30), and all of Section [8-A] Thirty-two (32), all in Township Twenty-six (26) South, Range Twenty-one (21) East, Mount Diablo Meridian, were a part of the public lands of the United States, and as such the plaintiff was on that date, has ever since been, and now is, the owner and entitled to the possession thereof, and of all oil, petroleum, gas, and other minerals therein contained.

III.

On the 27th day of September, 1909, the President of the United States, acting by and through the Secretary of the Interior, and under the authority legally invested in him so to do, duly and regularly withdrew and reserved all of the land hereinbefore particularly described (together with other lands) from mineral exploration, and from all forms of location or settlement, selection, filing, entry, patent, occupation, or disposal, under the mineral and non-mineral land laws of the United States, and since said last-named date none of said lands have been subject to exploration for mineral oil, petroleum or gas, occupation, or the institution of any right under the public land laws of the United States.

IV.

Notwithstanding the premises, and in violation of the proprietary and other rights of this plaintiff, and in violation of the laws of the United States and

lawful orders and proclamation of the President of the United States, and particularly in violation of said order of withdrawal of September 27th, 1909, mentioned in the preceding paragraph, and in disregard of, contrary to, and by infringement upon, the general governmental policy adopted by the United States for the protection, conservation, disposal, and use of the petroleum and gas contained in said lands and in other lands belonging to the [9-A] United States, the defendants, Lost Hills Mining Company, and Universal Oil Company, entered upon and took possession of the lands hereinbefore particularly described, long subsequent to the 27th day of September, 1909, but not prior thereto, for the purpose of prospecting and exploring for petroleum and gas therein, and did so prospect and explore long subsequent to the date on which said lands were withdrawn, as hereinbefore mentioned, by said withdrawal order of September 27th, 1909.

V.

None of the defendants herein had discovered petroleum, gas, or other minerals on said lands on or before said lands were withdrawn, as hereinbefore stated, by the withdrawal order made on the 27th day of September, 1909, as hereinbefore set forth.

VI.

Neither of the defendants, nor any person for them or under whom they claim, was, at the date of said order of withdrawal of September 27, 1909, a *bona fide* occupant or claimant of said land and in the diligent prosecution of work leading to

the discovery of oil or gas; and neither of the defendants after the dates of the respective entering upon said land, as hereinbefore alleged, and after beginning the prosecution of the work of drilling for oil and gas, in violation of the order of withdrawal of September 27th, 1909, continued in the diligent prosecution of said work till oil or gas was discovered.

VII.

Long after the lands hereinbefore described had been withdrawn from prospecting, exploration, and entry, as hereinbefore set forth, by the order of September 27th, 1909, hereinbefore mentioned, to wit; on the 29th day of July, 1910, and not before that date, as plaintiff is informed and believes, the defendant, Lost Hills Mining Company, discovered petroleum on said land, and since that date the said Lost Hills Mining Company and [10-A] the defendant Universal Oil Company have drilled numerous wells thereon for the extraction of petroleum therefrom, and have in violation of the proprietary and other rights of the plaintiff herein, and in violation of the laws of the United States and of proclamations and orders issued by the President of the United States, and particularly in violation of said order of withdrawal of September 27th, 1909, and in disregard of, and contrary to, and by infringement upon, the general governmental policy adopted and declared by the United States for the protection, conservation, use and disposal of petroleum and gas in said lands and in other lands belonging to the United States, and to the great and irreparable

damage to the plaintiff, and to the great and irreparable injury to the lands hereinbefore described, and to other lands belonging to the United States, extracted and produced on the land hereinbefore described large quantities of petroleum and gas, but the exact amount and value of the petroleum and gas so extracted and produced, the plaintiff is unable to state.

VIII.

Of the petroleum and gas extracted and produced in the manner set forth in the preceding paragraph of this bill, large quantities have been converted, used and consumed by the defendants, Lost Hills Mining Company, and Universal Oil Company; other large quantities of such petroleum have been sold and delivered by said companies to the defendant Associated Oil Company, and other large quantities of such petroleum have been sold by the defendants Lost Hills Mining Company, and Universal Oil Company to other persons and corporations, whose names are to this plaintiff unknown and for that reason cannot here be stated, but as to the exact quantities of petroleum and gas so used and consumed, and as to the exact quantities of such petroleum so sold and delivered, and as to the value thereof, and as to the price received for such quantities of petroleum [11-A] as have been so sold and delivered, this plaintiff is here unable to state because it has no knowledge thereof and has no means of ascertaining the facts in relation thereto except from the defendants herein, and therefore a full discovery from said defendants is sought herein.

IX.

Said defendants, Lost Hills Mining Company, and Universal Oil Company, hereinbefore alleged to have entered upon said lands, are now unlawfully extracting oil and gas from said lands, drilling oil and gas wells thereon, and otherwise trespassing upon said lands and asserting claims thereto, and are threatening to, and will, unless restrained by the order of this court, continue to unlawfully extract oil and gas from said lands, and to drill oil and gas wells thereon, and operate same, and extract, convert and appropriate, use, sell and dispose of oil and gas from said lands, and otherwise trespass upon said lands and commit waste thereon to the great and irreparable damage of plaintiff and to the great and irreparable injury to said lands, and contrary to, and by infringement upon, the general governmental policy adopted and declared by the United States for the protection and conservation, use, and disposal, of the petroleum and gas in said lands and in other lands belonging to the United States.

X.

Each of the defendants herein claims some right, title or interest to said land or some part thereof, or in the petroleum or gas extracted therefrom or in or to the proceeds arising from the sale of such petroleum or through and by purchase thereof, and each of said claims is predicated upon, or derived directly or mediately from, some pretended notice or notices of mining locations, or otherwise, and by conveyances, contracts, or liens directly or mediately from the persons by whom such [12-A] pre-

tended locations are claimed to have been made. But none of such location notices and claims is valid against this plaintiff and no rights have accrued to the defendants or any of them thereunder either directly or mediately; nor have any minerals been discovered on said land except as hereinbefore stated; but said claims are asserted to cast a cloud upon the title of the plaintiff herein and wrongfully interfere with its operation and disposition of said land, to the great and irreparable damage of said plaintiff and to the great and irreparable injury of said land; and the plaintiff herein is without redress or adequate remedy save by this suit, and this suit is necessary to avoid a multiplicity of actions.

XI.

Except as in this bill stated, the plaintiff has no other knowledge or information concerning the nature of any other claims asserted by the defendants herein, or any of them, and therefore leaves said defendants to set forth their respective claims and interests.

In that behalf plaintiff alleges, because of the premises of this bill, that none of the defendants has or ever had any right, title, or interest in or to, or any lien upon, said land or any part thereof, or any right, title, or interest in or to the petroleum, mineral oil, or gas deposited therein, or any right to extract petroleum, gas or other minerals from said land, or to convert or dispose of the petroleum or gas so extracted or any part thereof; on the contrary the acts of these defendants who have entered upon said lands and drilled oil and gas wells thereon and used

and appropriated the petroleum deposited therein, and assumed to sell and convey any interest in or to any part of said lands, or any part of the petroleum extracted therefrom, were all in violation of the laws of the United States and of the aforesaid order of withdrawal, and all of said acts are in violation [13-A] of the rights of the plaintiff herein, and such acts interfere with the execution by the plaintiff of its public policies with respect to said lands and the petroleum and gas therein as hereinbefore set forth.

XII.

The present value of the lands hereinbefore described exceeds One Million Dollars (\$1,000,000). In consideration of the premises thus exhibited, and in as much as plaintiff herein is without full and adequate remedy in the premises save in a court of equity, where matters of this nature are properly cognizable and relievable, plaintiff prays:

1. That said defendants, and each of them, may be required to make full, true and direct answer respectively to all and singular the matters and things hereinbefore stated and charged, and to fully disclose and state their claims to said land hereinbefore described, and to any and all parts thereof, as fully and particularly as if, they had been particularly interrogated thereunto, but not under oath, answer under oath being hereby expressly waived.

2. That the said land may be declared by this Court to have been at all times from and after the 27th day of September, 1909, lawfully withdrawn from mineral exploration and from all forms of lo-

cation, settlement, selection, filing, entry, or disposal under the mineral and nonmineral public land laws of the United States.

3. That said defendants, and each of them, may be adjudged and decreed to have no estate, right, title, interest *of* claim in or to said land or any part thereof, or in or to any mineral or minerals or mineral deposits contained in or under said land or any part thereof; and that all and singular of said land, together with all of the minerals and mineral deposits, including mineral oil, petroleum and gas therein or thereunder [14-A] contained, may be adjudged and decreed to be the perfect property of this plaintiff, free and clear of the claims of said defendants, and each and every one of them.

4. That each and all of the defendants herein, their officers, agents, servants and attorneys, during the progress of this suit, and thereafter, finally and perpetually, may be enjoined from asserting or claiming any right, title, interest, claim or lien in or to the said land or any part thereof, or in or to any of the minerals, or mineral deposits therein, or thereunder contained; and that each and all of the defendants herein, their officers, agents, servants and attorneys, during the progress of this suit, and thereafter, finally and perpetually may be enjoined from going upon any part or portion of said land, and from in any manner using any of said land and premises, and from in any manner extracting, removing or using any of the minerals deposited in or under said land and premises, or any part or portion thereof, or any of the other natural products thereof,

and from in any manner committing any trespass or waste upon any of said land or with reference to any of the minerals deposited therein or thereunder, or any of the other natural products thereof.

5. That an accounting may be had by said defendants, and each and every one of them, wherein said defendants, and each of them, shall make a full, complete, itemized and correct disclosure of the quantity of minerals (and particularly petroleum) removed or extracted or received by them or either of them, from said land, or any part thereof, and of any and all moneys or other property or thing of value received from the sale or disposition of any and all minerals extracted from said land or any part thereof, and of all rents and profits received under any sale, lease, transfer, conveyance, contract or agreement concerning said land or any part thereof; and that the plaintiff may [15-A] recover from said defendants, respectively, all damages sustained by the plaintiff in these premises.

6. That a receiver may be appointed by this Court to take possession of said land and of all wells, derricks, drills, pumps, storage vats, pipes, pipelines, shops, houses, machinery, tools and appliances of every character whatsoever thereon, belonging to or in the possession of said defendants, or any of them, which have been used or now are being used in the extraction, storage, transportation, refining, sale, manufacture, or in any other manner in the production of petroleum or petroleum products or other minerals from said land or any part thereof for the purpose of continuing, and with full power and au-

thority to continue the operations on said land in the production and sale of petroleum and other minerals where such course is necessary to protect the property of the complainant against injury and waste, and for the preservation, protection and use of the oil and gas in said land, and the wells, derricks, pumps, tanks, storage vats, pipes, pipe-lines, houses, shops, tools, machinery, and appliances being used by the defendants, their officers, agents or assigns in the production, transportation, manufacture or sale of petroleum or other minerals from said land or any part thereof, and that such receiver may have the usual and general powers vested in receivers of courts of chancery.

To the end therefore that this plaintiff may obtain the relief to which it is justly entitled in the premises, may it please your Honors to grant unto the plaintiff a writ or writs of subpoena, issued by and under the seal of this Honorable Court, directed to said defendants herein, to wit: Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, therein and thereby commanding them and each of them at a certain time, and under a certain penalty therein to be named, to be and appear before this Honorable Court, and then and there, severally, [16-A] full, true and direct answers make to all and singular the premises, but not under oath, answer under oath being hereby expressly waived, and stand to perform and abide by such order, direction and decree as may be made against

them, or any of them, in the premises, and shall be meet and agreeable to equity.

T. W. GREGORY,

Attorney General of the United States.

ALBERT SCHOONOVER,

United States District Attorney.

E. J. JUSTICE,

Special Assistant to the Attorney General.

A. E. CAMPBELL,

Special Assistant to the Attorney General.

FRANK HALL,

Special Assistant to the Attorney General.

United States of America,

Northern District of California,

State of California,—ss.

George Hayworth, being first duly sworn, deposes and says:

He is now and has been since the 1st day of February, 1914, Chief of Field Division of the General Land Office at San Francisco, California, and prior to that time was, since July, 1910, a Special Agent of the General Land Office doing field work in California, and much of said work has been done in the investigation of facts relating to the lands withdrawn by the President as oil lands, and especially the lands withdrawn by order of September 27th, 1909, and by the order of July 2d, 1910;

That from examination of such lands, or the facts in relation thereto obtained by him or by Special Agents acting [17-A] under his direction as such Chief of Field Division, and from examinations of the records of the General Land Office, and the local

land offices of complainant in said State of California, he is informed as to the matters and things as stated in the complaint with reference to the particular lands therein described; and the matters therein stated are true, except as to such matters as are stated to be on information and belief, and as to these, affiant, after investigation, states he believes them to be true.

GEORGE HAYWORTH.

Subscribed and sworn to before me this 1st day of March, 1916.

[Seal]

T. S. BALDWIN,
Deputy Clerk, U. S. District Court, Northern District of California.

[Endorsed]: No. A-52—Eq. In the District Court of the United States, for the Southern District of California, Northern Div., Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. Bill of Complaint. Filed Mar. 2, 1916. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. [18-A]

*In the District Court of the United States for the
Southern District of California, Northern Division,
Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL OIL COMPANY, and ASSOCIATED OIL COMPANY,

Defendants.

Amendment to Bill of Complaint.

Comes now the plaintiff in the above-entitled cause and by leave of Court granted — day of March, 1916, amends its bill of complaint therein by striking out all of paragraph II of said bill and substituting in lieu thereof the following:

“II.

That on and before the 27th day of September, 1909, the following described land, to wit:

The Northwest Quarter, and the Southeast Quarter of Section Thirty (30), and the Northeast Quarter and West Half of Section Thirty-two (32), all in Township Twenty-six (26), South, of Range Twenty-one (21), East, Mount Diablo Meridian,

were a part of the public lands of the United States, and as such the plaintiff was on that date, and has ever since been, and now is, the owner and entitled to

the possession thereof, and of all oil, petroleum, gas, and other minerals therein contained." [19-A]

E. J. JUSTICE,
ALBERT SCHOONOVER,
A. E. CAMPBELL,
FRANK HALL,

Attorneys for the Plaintiff.

The application of the plaintiff to be allowed to amend the bill of complaint as indicated above is hereby granted, and upon the filing of this order and due and timely notice thereof to the defendants in said cause, the bill will be amended and treated and stand as amended, as indicated therein.

This March 9th, 1916.

BLEDSON,
United States District Judge.

Service of the above and foregoing, by receipt of copy thereof, is hereby acknowledged.

This March 9th, 1916.

JOSEPH D. REDDING,
Atty. for Defts. Lost Hills Mining Co. & Universal
Oil Company.

EDMUND TAUSZKY,
Attorney for Defendant Associated Oil Co. [20-A]

[Endorsed]: A-52. In the District Court of the United States for the Southern District of California. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, Defendants. Order on and Amendment to Bill of Complaint. Filed Mar. 9th, 1916. Wm. M. Van Dyke, Clerk.

By T. F. Green, Deputy. E. J. Justice, Albert Schoonover, A. E. Campbell, Frank Hall. [21-A]

*In the District Court of the United States, in and for
the Southern District of California, Northern
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

vs.

LOST HILLS MINING COMPANY, UNI-
VERSAL OIL COMPANY, and ASSO-
CIATED OIL COMPANY,

Defendants.

**Answer of Defendants Universal Oil Company and
Lost Hills Mining Company.**

Come now Universal Oil Company and Lost Hills Mining Company, two of the defendants in the above-entitled action, and answering the Amended Bill of Complaint of the plaintiff therein and herein, admit and deny as follows:

Answering paragraph II of the Amended Bill of Complaint of the plaintiff, said defendants deny that on or before the 27th day of September, 1909, the lands described in said Amended Bill of Complaint were a part of the public lands of the United States; and deny that as such plaintiff was on that date, or has ever since been, or now is, the owner or entitled to the possession thereof, or of all of the oil, petroleum, gas or other minerals therein contained, or is

the owner or entitled to the possession thereof or of any oil, petroleum, gas or any other minerals therein contained; and in this behalf the said defendants allege that the lands described in said Amended Bill of Complaint were duly located and entered upon and taken possession of by [22-A] the said defendants and their assignors and predecessors in interest on the 14th day of February, 1907; and the said defendants furthermore allege that ever since the last-named date the said defendants and their assignors and predecessors in interest have been in possession of said lands and have been and are entitled to the possession of said lands, and to the possession of the oil, petroleum, gas and all other minerals contained therein, and now are the owners and entitled to the possession thereof, and of all oil, petroleum, gas and other minerals therein contained.

II.

Answering paragraph III of the Amended Bill of Complaint of the plaintiff the said defendants admit that the plaintiff holds the legal title to the property referred to and described in paragraph II of said Amended Bill of Complaint; but deny that the plaintiff is entitled to the possession of said lands, or any part thereof, or to the possession of the oil, petroleum, gas, and all other minerals, or to the possession of any mineral, contained in said lands; and in this behalf the said defendants allege that they are, and they and their assignors and predecessors in interest, ever since the 14th day of February, 1907, have been, entitled to the possession of the said lands described in said paragraph II, and to the possession of the oil,

petroleum, gas, and all other minerals contained therein; and the said defendants furthermore allege that they are the equitable owners of said lands, and are entitled to the execution and issuance by the plaintiff of a patent to them, the said defendants, conveying to them the legal title to said lands and to all the minerals contained therein. The said defendants admit that on the 27th day of September, 1909, the President of the United States legally [23-A] withdrew and reserved certain land from mineral exploration and from all forms of location or settlement, selection, filing, entry, patent, occupation, or disposal under the mineral and nonmineral Land Laws of the United States, but deny that by said order the lands described in paragraph II of said Amended Bill of Complaint, which said lands, as heretofore alleged, are in the lawful possession of these defendants, were in any manner affected, or that the rights of these defendants or either of them were in any manner affected thereby; that in and by the terms of said order of withdrawal it was provided that all locations or claims existing and valid on the date of said withdrawal might proceed to entry in the usual manner after filing, investigation and examination, and that the lands described in paragraph II of said Amended Bill of Complaint, at all times since the 14th day of February, 1907, have been and now are valid locations and claims within the meaning, purport and effect of the said proviso to the said withdrawal order.

III.

Answering paragraph IV of the Amended Bill of

Complaint of the plaintiff, the said defendants deny that in violation of the proprietary and other rights of the plaintiff, or in violation of the laws of the United States, and lawful orders and proclamations of the President of the United States, or in violation of said order of withdrawal of the 27th day of September, 1909, or that in violation of any right of the plaintiff, or of any law of the United States, or of any proclamation of the President of the United States, or in disregard or contrary to or by infringement upon the general or any governmental policy adopted by the United States for the protection, conservation, disposal or use of the petroleum or gas contained in said lands, or any other [24-A] lands belonging to the United States, or in disregard of, or contrary to, or by infringement upon any governmental policy adopted by the United States, or for any purpose whatsoever, the said defendants, or their assignors or predecessors in interest, entered upon and took possession of said lands, or any part thereof, long, or at all, subsequent to the 27th day of September, 1909, for the purpose of exploring said lands for petroleum and gas, or for any purpose; and in this behalf the said defendants allege that they, and their assignors and predecessors in interest, have been in the lawful possession of the said lands since the 14th day of February, 1907; furthermore, the said defendants deny that they, and their predecessors in interest, did so prospect or explore long subsequent to the date on which said lands were withdrawn by said withdrawal order of September 27th, 1909; on the contrary, said defendants allege that they and their predecessors in

interest did prospect and explore said lands for petroleum and gas therein long prior to the said date of withdrawal and long prior to said withdrawal order of September 27th, 1909.

IV.

Answering paragraph V of the Amended Bill of Complaint of the plaintiff said defendants admit that these defendants had not discovered petroleum or gas on said lands on or before the 27th day of September, 1909; but deny that the said defendants, and their predecessors, had not discovered other minerals on said lands on or before the said date; and deny that they and their predecessors had acquired no right on or with respect to said lands on or prior to said date; and in this behalf the said defendants allege that their assignors and predecessors in interest, through whom these defendants deranged their title, [25-A] were, long prior to said order of withdrawal of September 27th, 1909, to wit, as early as December, 1908, continuously and diligently engaged in exploring and developing said lands for gas and petroleum, and in the building of roads upon said lands, and upon adjacent lands leading to said lands and in the maintenance of said roads, and in the construction, building, and erection of buildings upon said lands, and in the digging and construction of foundation trenches upon said lands, for the establishment of drilling rigs thereon, and in the purchase and bringing in upon said lands of rig timbers, and in the establishment of an equipment plant upon said lands and upon adjacent lands for the development of oil, gas and petroleum upon said lands, and to be used in connection

therewith, and in the transportation of water in and upon said lands, and in the establishment of a conduit system for water from adjacent lands onto said lands; that all of said last enumerated development work and industry on the part of the said defendants and their assignors and predecessors in interest continued from the month of December, 1908, throughout all of the years 1909, 1910, and 1911, and down to the present date; defendants furthermore allege that they and their assignors and predecessors in interest continued to use uninterruptedly and continuously said roads, said water conduits, said building, said rig timbers, said foundation trenches, and did establish their rigs therein and thereon, and are doing so at the present time; that said defendants and their assignors and predecessors in interest have been in daily and actual possession and occupation of said lands from the year 1904 down to and including the present time without interruption, and always with the continuous, diligent industry and effort to discover oil, gas, and petroleum upon said lands, and have, as a result of said [26-A] continuous, uninterrupted and diligent industry and effort, discovered and are producing oil, gas and petroleum in paying quantities upon said lands; furthermore, said defendants allege that they and their assignors and predecessors in interest through whom these defendants derainged their title, discovered a mineral, to wit, gypsum, on said lands long before the 27th day of September, 1909, to wit, during the month of December, 1908, and that by virtue of said discovery and by virtue of the due posting and recording of a valid location notice

and by virtue of the performance of the annual labor and assessment work upon said lands required by statute, and the due performance by them and by their assignors and predecessors in interest of all of the requirements of the laws relating thereto, and by the continuous possession, occupation and industry looking toward and leading to the discovery of oil, gas and petroleum upon said lands, these defendants have acquired rights on and with respect to said lands, which said rights could not lawfully be and were not impaired by said withdrawal order of the 27th day of September, 1909, or by any subsequent withdrawal order.

V.

Answering paragraph VI of the Amended Bill of Complaint of the plaintiff the said defendants deny that said defendants, or any person for them or under whom they claim, were not, at the date of said order of withdrawal of September 27th, 1909, *bona fide* occupants or claimants of said lands or in the diligent prosecution of work leading to the discovery of oil or gas; on the contrary, these defendants allege that the defendant Lost Hills Mining Company, the predecessor in interest of the defendant Universal Oil Company, was at the said date of the said order of withdrawal of September 27th, 1909, a *bona fide* occupant and [27-A] claimant of said lands and was in the diligent prosecution of work leading to the discovery of oil and gas; and in this behalf these defendants allege that commencing with the month of February, 1907, and thence on during the years 1908 and 1909, the defendants and their

assignors and predecessors in interest, through whom these defendants deraigned their title, were in the actual occupation of said lands and were diligently and continuously industrious in developing said lands for gas, oil and petroleum; and in support of this last allegation, these defendants reiterate and refer to all of the allegations made by them in Paragraph IV of this answer, and repeat the same; furthermore, these defendants deny that after the date of the entering upon said lands or after the beginning of the prosecution of the work of drilling for oil and gas, or in violation of the order of withdrawal of September 27th, 1909, they did not continue in the diligent prosecution of said work till oil or gas was discovered; on the contrary, these defendants allege that they and their assignors and predecessors in interest, through whom these defendants deraigned their title, did, from and after the date of the entering upon said lands, namely, from and after the said 14th day of February, 1907, continue in the diligent prosecution of said work till oil and gas were discovered; defendants further allege that they and their assignors and predecessors in interest through whom these defendants deraigned their title, never prosecuted the work of drilling for oil and gas or any mineral in violation of the order of withdrawal of September 27th, 1909, or in violation of any order of withdrawal.

VI.

Answering paragraph VII of the Amended Bill of Complaint of the plaintiff, the said defendants deny that long after the [28-A] said lands had

been withdrawn from prospecting, exploration or entry by the order of September 27th, 1909, or at any time after the said lands had been withdrawn from prospecting, exploration or entry, or at any time after said lands had been withdrawn by the order of September 27th, 1909, or at any time after said lands had been withdrawn by any order or at all, or on the 29th day of July, 1910, the said defendant Lost Hills Mining Company discovered petroleum on said lands; on the contrary, said defendants allege that the said lands never have been withdrawn from prospecting, exploration or entry, and never were or have been or are withdrawn by the order of September 27th, 1909, or by any order of the United States or any officer or department thereof. And the said defendants, furthermore, allege that they and their assignors and predecessors in interest discovered petroleum, gas and other minerals on said lands long before the 29th day of July, 1910, and acquired the possession, ownership and right to oil, petroleum, gas and all other minerals on said lands at a time when the same were open for location, occupation and development as mineral lands, and under the mineral laws of the United States and in conformity thereto and therewith, and under the privileges and rights guaranteed to said defendants so to do by the laws of the United States. The said defendants admit that between the date of February 14th, 1907, and the present time and also subsequently to the 29th day of July, 1910, the Lost Hills Mining Company, one of the defendants herein, and also both defendants, have discovered petroleum on said lands,

and have drilled numerous wells thereon for the extraction of petroleum therefrom; but said defendants deny that they, or either of them, or their assignors or predecessors in interest, have, in violation of the proprietary or other rights of the plaintiff [29-A] herein, or in violation of the laws of the United States, or of proclamation or orders issued by the President of the United States, or in violation of any of the proprietary or other rights of the plaintiff herein, or in violation of any of the laws of the United States, or of any of the proclamations or orders issued by the President of the United States, or particularly, or at all, in violation of said order of withdrawal of September 27th, 1909, or in disregard of, or contrary to, or infringement upon, the general or any governmental policy adopted and declared by the United States for the protection, conservation, use or disposal of petroleum or gas in said lands or in other lands belonging to the United States, or to the great or irreparable, or any damage to the plaintiff, or to the great or irreparable injury to the said lands or to other lands belonging to the United States, extracted or produced on the lands described in said amended Bill of Complaint large quantities of petroleum or gas. The said defendants admit that they and their assignors and predecessors in interest had not discovered petroleum or gas on said lands on or before the 27th day of September, 1909; and in this behalf the said defendants allege that the said lands had not been withdrawn and were not withdrawn from prospecting, exploration and entry by the said order of withdrawal or within any order of

withdrawal. The defendants deny that the defendant Lost Hills Mining Company had not discovered oil or petroleum on said lands prior to the 29th day of July, 1910; and in this behalf the said defendants allege that they and their assignors and predecessors in interest acquired rights with respect to said lands long prior to the said 27th [30-A] day of September, 1909, and had discovered a mineral, to wit, gypsum, on said lands long prior to the 27th day of September, 1909, to wit, in the month of December, 1908; said defendants furthermore allege that the defendant Lost Hills Mining Company discovered and developed oil and petroleum upon said lands prior to the 29th day of July, 1910, and that for a long time prior to said discovery, and, in fact, from the month of December, 1908, and thence continuously, the said defendants and their assignors and predecessors in interest through whom they deraigned title had been and were in the actual possession, and continuously and industriously working upon and developing said lands previous to the discovery of oil, gas and petroleum thereon. It is furthermore alleged that as a result of their actual possession, and the possession of their assignors and predecessors in interest, from and after said date of February 14th, 1907, down to and including the present date, and as the result of their continuous and industrious working upon and development of said lands, they have discovered and developed oil, petroleum, gas, gypsum and other minerals in paying quantities upon said lands, and all in conformity with the laws, statutes and privileges granted to

bona fide locators by the United States, the plaintiff herein.

VII.

Answering paragraph VIII of the Amended Bill of Complaint of plaintiff, the said defendants admit the allegations contained in said paragraph; but deny that the plaintiff has any right to a full, or any, recovery from said defendants of the amount of oil, petroleum, gas and other minerals developed, consumed, sold, delivered, and converted by the said defendants out of or from the said lands. [31-A]

VIII.

Answering paragraph IX of the Amended Bill of Complaint of the plaintiff, said defendants deny that they are now unlawfully extracting oil or gas or any other minerals from said lands, or are unlawfully drilling oil or gas wells thereon; and deny that they are otherwise or in anywise or at all, trespassing upon said lands, or asserting claims thereto; and they furthermore deny that they are threatening to and will, unless restrained by the order of this Court, continue to unlawfully extract oil or gas or any minerals from said lands, or will unlawfully continue to drill oil or gas wells thereon, or operate the same, or will unlawfully extract, convert or appropriate, use, sell or dispose of the oil or gas from said lands; and they deny that they will otherwise or at all trespass upon said lands or commit waste thereon to the great or irreparable or any damage of the plaintiff, or to the great or irreparable or any injury to said lands, or contrary to, or by infringement upon, the general governmental, or any governmental, policy adopted

or declared by the United States for the protection or conservation, use, or disposal, of the petroleum or gas or oil or any other minerals in said lands, or in any other lands belonging to the United States.

IX.

Answering paragraph X of the Amended Bill of Complaint of plaintiff, the said defendants admit that they claim rights, titles and interests to said lands, and to all thereof, and to the petroleum, gas and other minerals extracted therefrom, and to the proceeds arising from the sale thereof. Furthermore, said defendants admit that said claims and rights are predicated upon and derived directly from the notices of mining locations [32-A] and from the said mining locations of the 14th day of February, 1907, and from the possession, occupation, continuous industry and development of said lands from and after said date. The said defendants deny that none of such location notices or claims are valid against this plaintiff, and deny that no rights have accrued to the said defendants, or to any of them, thereunder, either directly or mediately, and deny that no minerals have been discovered, or any minerals have been discovered, on said lands except as hereinbefore stated or except as stated in said Amended Bill of Complaint of the plaintiff; on the contrary, said defendants allege that each and all of said location notices and claims are valid against said plaintiff, and that valid rights have accrued to said defendants and to each of them by virtue of said location notices and claims and by virtue of said continuous occupation, industry and development work

thereunder; and the said defendants deny the assertion of the plaintiff that said claims cast a cloud upon the title of the plaintiff herein or wrongfully interfere with its operation or disposition of said lands, or to the great, irreparable, or any injury of said lands; and said defendants deny that the plaintiff herein is without redress and adequate remedy save by this suit, and deny that this suit is necessary to avoid a multiplicity of actions; and in this behalf the said defendants allege that the plaintiff is not entitled to any redress or any remedy in this action.

X.

Answering paragraph XI of the Amended Bill of Complaint of plaintiff, the said defendants deny that because of the premises of the said Amended Bill of Complaint of the plaintiff, or because of any premises, said defendants, or either of them, have any right, title or interest in or to, or any lien upon, said [33-A] lands, or any part thereof, or any right, title or interest in or to the petroleum, mineral, oil or gas deposited therein, or to any other minerals deposited therein, or any right to extract petroleum, gas or other minerals from said lands, or to convert or dispose of petroleum or gas so extracted, or any other minerals, or any part thereof; and in this behalf the said defendants allege that they, and their assignors and predecessors in interest, have the right, title and interest, possession and lien upon said lands, and all thereof, and in, upon and to all of the petroleum, gas and other minerals deposited in said lands, and the right to convert and dispose of the same. The said defendants deny that the acts of

said defendants and of their assignors and predecessors in interest who have entered upon said lands and who have drilled oil or gas wells thereon, or used or appropriated the petroleum deposited therein, or assumed to sell or convey any interest in and to any part of said lands and any part of the petroleum extracted therefrom, were all, or any thereof, in violation of the laws of the United States, or of the aforesaid order of withdrawal; and said defendants further deny that all of the said acts, or any acts of the said defendants, or their assignors or predecessors in interest, are in violation of the rights of the plaintiff herein; and deny that such acts interfere with the execution by the plaintiff of its public, or any policies with respect to said lands, or with respect to the petroleum or gas or any other minerals contained therein, as set forth in said Amended Bill of Complaint of plaintiff or in anywise or at all.

By way of a further, separate and affirmative answer and defense to the Amended Bill of Complaint of plaintiff herein, these defendants allege that their grantors, assignors and predecessors [34-A] in interest, through whom they have deraigned title, duly located said lands as mining claims on the 14th day of February, 1907, while said lands were unoccupied public lands of the United States, open to exploration and location for minerals under the provisions of the Revised Statutes of the United States and before any withdrawal thereof; and said defendants furthermore allege that they and their assignors and predecessors in interest have held possession and worked the said lands described in said

Amended Bill of Complaint of plaintiff continuously from said last-named date down to the present time; and furthermore allege that they made a valid discovery of mineral, to wit, gypsum, upon said lands in the year 1908; said defendants furthermore allege that they have continuously occupied said lands from the said date of location, and have continuously and uninterruptedly and industriously worked and developed the same in the development and production of oil, gas and petroleum. The said defendants furthermore allege that they and their assignors and predecessors have held and worked the said lands described in said Amended Bill of Complaint of plaintiff, namely, the northwest quarter, and the southeast quarter of section thirty (30), and the northeast quarter and west half of section thirty-two (32), all in township twenty-six (26) south, of range twenty-one (21), east, Mount Diablo meridian, as mining claims for a period equal to the time prescribed by the Statute of Limitations for mining claims of the State of California, in which State the said lands are located, to wit, for the period of five years prior to the commencement of this action, without any adverse claim being made in or to said lands or to any part thereof; and that said defendants, by reason of said fact, are now the true and equitable owners of said lands and entitled to [35-A] patent thereto from the Government of the United States under the provisions of section 2322 of the Revised Statutes of the United States.

And for a further, separate and distinct defense to the cause of action set forth in plaintiff's Bill of

Complaint on file herein said defendants allege that this Court has no jurisdiction to try and determine the matter set forth in said Bill of Complaint or the title to the lands described in said complaint or the right to possession of said lands, and particularly the right, title, interest or claim of said defendants in and to said lands or any part thereof, or their right, title, interest or claim in or to the petroleum, mineral oil or gas deposited therein, or their right to extract petroleum, gas or other minerals from said lands, or their right to convert or dispose of the petroleum or gas so extracted or any part thereof, and in this behalf these defendants allege:

XI.

That the defendant, the Lost Hills Mining Company, was at all the times herein mentioned and now is a corporation organized and existing under the laws of the State of California, and authorized and empowered to locate mining claims upon the public lands of the United States, under the provisions of chapter 6, title 32, of the Revised Statutes of the United States and that Act of Congress of February 11, 1897, chapter 216, entitled "An Act to Authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States," and all Acts amendatory thereof and supplementary thereto and under the provisions of said Acts of Congress and said laws of the United States to make application for and obtain patent therefor, and for any other mining claims which may have theretofore been granted, transferred, conveyed, sold and set over to it. [36-A]

XII.

That the following described land, to wit, the northwest quarter (NW. $\frac{1}{4}$) and to the southeast quarter (SE. $\frac{1}{4}$) of section thirty (30) and the northeast quarter (NE. $\frac{1}{4}$) and the west half (W. $\frac{1}{2}$) of section thirty-two (32), all in township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, the same being the lands described in plaintiff's amendment to complaint, were on the 14th day of February, 1907, and long prior thereto public lands of the United States open to location and appropriation under the laws of the United States relating to what are usually known as "Placers" or Placer Mining Ground, and as such were chiefly and only valuable for the petroleum and gypsum therein contained, and ever since said 14th day of February, 1907, continuously down to the present date and to the time of the commencement of this action, the disposition of said lands was and now is under the exclusive jurisdiction and control of the General Land Department of the United States, the Honorable Commissioner of the General Land Office and the Honorable Secretary of the Interior.

XIII.

That on the 13th day of February, 1907, O. D. Barton, J. N. Hoyt, H. J. Light, W. B. Wallace, W. F. Hall, J. W. McCord, J. H. Butts and F. R. Hight, each and all of whom were then and there citizens of the United States, entered upon and took possession of said northwest quarter (NW. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and

duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be known as the "Lost Hills Placer Mining Claim," and did duly post therein, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly [37-A] recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M. in book 40 of Mineral Records, page 240.

XIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said northwest quarter (NW.1/4) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) East, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim, and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

XV.

That ever since said 13th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Lost Hills Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00)

has been expended upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time said defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of at least Two Hundred (200) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage [38-A] and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to make withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession of the said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range Twenty-one (21) east, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim,

under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as aforesaid; that applicant herein has expended over Six Hundred Dollars (\$600.00) upon the development of the gypsum deposits upon said land and over the sum of Five Thousand Dollars (\$5,000.00) in drilling said well and in developing oil thereon.

XVI.

That said lands contain no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.

XVII.

That there are no adverse claims made to said northwest quarter (NW. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian.

XVIII.

That thereafter and, to wit, on the 18th day of November, [39-A] 1911, and long prior to the commencement of said above-entitled action the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in

the proper Land Office of the United States, to wit, the United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America, and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian; that said application was numbered Mineral Entry No. 03431 and was known as such in said United States Land Office at Visalia, California.

XIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the Directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said Company to the United States for a patent to said Lost Hills Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; that the said affidavit of application for

patent set forth; the authority of affiant, to wit, said O. D. Barton, to make application for patent to said land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by [40-A] the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 13th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that there were no intervening rights to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Lost Hills Placer Oil Mining Claim. That with said affidavit of application were filed; (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, (2) a certified copy of the notice of location of said placer claim, certified by the County Recorder of Kern

County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township [41-A] twenty-six (26) south, range twenty-one (21) east Mount Diablo meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground that the cost of said work and improvements equal the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D.

Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8) the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said northwest quarter (NW. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by W. L. McLaine and F. M. Anderson, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 3d day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Lost Hills Placer Oil Mining Claim embracing said Northwest quarter (NW. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, was posted upon said Lost Hills Placer Oil [42-A] Mining Claim, that said notice was so posted and in such a conspicuous place upon said Placer Oil Mining Claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and read-

ily seen and examined, (10) a copy of said notice of application for patent posted upon said Lost Hills Placer Oil Mining Claim on the 3d day of November, 1911, (11) the contract of the publisher of the Delano Record, wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to-wit: said Lost Hills Placer Oil Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, F. H. Davis, Earl Northrup and J. N. Young were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at

Visalia, California, before D. E. Perkins, who was then and there a Notary Public in and for the county of Tulare, State of California. That the affidavit made by W. L. McLaine and F. M. Anderson was regularly and duly subscribed and sworn to on the 3d day of November, 1911, in the [43-A] county of Kern, State of California, before A. C. Katze, who was then and there a Notary Public in and for the county of Tulare, State of California; that both said D. E. Perkins and A. C. Katze, as such Notaries Public, were authorized to administer oaths to persons making application for patent to mineral lands within the Land District wherein said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Lost Hills Placer Mining Claim, was then and still is situated. That with said application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Lost Hills Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

XX.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave due notice on the 20th day of November, 1911, that said Lost Hills Mining Company had made application for patent to the said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21), east, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was duly published in the "Delano [44-A] Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 23d day of November, 1911, and the last publication being on the 25th day of January, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03431, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to Mineral Lands within the Land District wherein northwest quarter (NW. $\frac{1}{4}$) of section thirty (30),

township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Lost Hills Placer Mining Claim, was then and still is situated; that said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

XXI.

That thereafter in said proceedings for application for patent, Mineral Entry No. 03431, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation of its intention to apply for patent for the said Lost Hills Placer Oil Mining Claim embracing said northwest quarter (NW. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, setting fourth that said notice of intention was conspicuously posted upon said claim on the 3d day of November, 1911, as set forth in the affidavits of [45-A] W. L. McLaine and said F. M. Anderson, which said affidavits had been duly filed in the office of the Register of the United States Land Office at Visalia, State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 3d day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given

by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a notary public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Lost Hills Placer Mining Claim, was then and now is situated.

XXII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the Legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land office at Visalia, California, [46-A] to purchase said Lost Hills Placer Oil Mining claim, embracing said northwest quarter (NW. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range

twenty-one (21) east, Mount Diablo meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the System of Public Land Surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred and Five Dollars (\$405.00), the same being in full payment for one hundred sixty-one and eighty-five hundredths (161.85) acres, constituting said northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21), east, Mount Diablo meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,643 and dated February 24, 1912; and the said A. H. Swain, as Receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred and Five Dollars (\$405.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Honorable Commissioner of the General Land Office, for his inspection and approval,

and said proceedings ever since have been and now are pending before said Honorable Commissioner of said General Land Office.

XXIII.

That on the 14th day of February, 1907, Adolph Levis [47-A] Wm. Linderman, R. C. Hardin, S. W. Hall, F. T. Hall, W. B. Wallace, Seth Smith and C. A. Butts, each and all of whom were then and there citizens of the United States, entered upon and took possession of said southeast quarter (SE. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said placer mining claim was to be known as the "Signal Placer Mining Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in book 40 of Mineral Records, page 293.

XXIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said southeast quarter (SE. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Signal

Placer Mining Claim and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

XXV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Signal Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00) has been expended [48-A] upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time said defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of at least two hundred (200) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act

of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession of the said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Signal Placer Mining Claim, under a *bona fide* claim hereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and diligently continued to [49-A] Completion, as aforesaid; that applicant herein has expended over One Thousand Dollars (\$1,000.00) upon the development of the gypsum deposits upon said land and over the sum of Ten Thousand Dollars (\$10,000.00) in drilling said well and in developing oil thereon;

XXVI.

That said lands contained no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.

XXVII.

That there are no adverse claims made to said southeast quarter (SE. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian.

XXVIII.

That thereafter and, to wit, on the 18th day of November, 1911, and long prior to the commencement of said above-entitled action the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, the United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian; that said application was numbered Mineral Entry No. 03432 and was known as such in said United States Land Office at Visalia, California. [50-A]

XXIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits

and other papers in writing pertaining to an application by said company to the United States for a patent to said Signal Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; that the said affidavit of application for patent set forth: the authority of affiant, to wit, said O. D. Barton, to make application for patent to said land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that there were no intervening rights to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application [51-A] for patent to said lands as the Signal Placer Mining Claim. That with

said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, (2) a certified copy of the notice of location of said placer claim, certified by the county recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the

proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the cost of said [52-A] work and improvements equaled the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein or quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed thereon, (8) the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said southeast (SE. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by W. L. McLaine and F. M. Anderson, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 3d day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Signal Placer Mining Claim embracing said southeast quarter

(SE. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, was posted upon said Signal Placer Mining Claim, that said notice was so posted and in such a conspicuous place upon said Placer Oil Mining Claim at and upon the derrick over the said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Signal Placer Mining Claim on the 3d day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), [53-A] township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Signal Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at

Law, 409 Kerekhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, F. H. Davis, Earl Northrup and J. N. Young were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, before D. E. Perkins, who was then and there a Notary Public in and for the County of Tulare, State of California. That the affidavit made by W. L. McLaine and F. M. *Ander-* was regularly and duly subscribed and sworn to on the 3d day of November, 1911, in the county of Kern, State of California, before A. C. Katze, who was then and there a notary public in and for the county of Tulare, State of California; that both said D. E. Perkins and A. C. Katze, as such notaries public, were authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Signal Placer Mining Claim, was then and still is situated. That with said [54-A] application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern,

State of California, which said abstract of title showed and established that the record title to said Signal Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

XXX.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave due notice on the 20th day of November, 1911, that said Lost Hills Mining Company had made application for patent to the said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Signal Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 23d day of November, 1911, and the last publication being on the 25th day of January, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03432, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was [55-A] then and there a notary

public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Signal Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said Register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

XXXI.

That thereafter in said proceedings for application for patent, Mineral Entry No. 03432 there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention to apply for patent for the said Signal Placer Mining Claim embracing said southeast quarter (SE. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, setting forth that said notice of intention was conspicuously posted upon said claim on the 3d day of November, 1911, as set forth in the affidavits of W. L. McLaine and said F. M. Anderson, which said affidavits had been duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 3d

day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums [56-A] of money paid by said applicant in the prosecution of said application for patent to said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a Notary Public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Signal Placer Mining Claim, was then and now is situated.

XXXII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land

Office at Visalia, California, to purchase said Signal Placer Mining Claim, embracing said southeast quarter (SE. $\frac{1}{4}$) of said section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the system of public land surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00) the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the said Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, [57-A] California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for one hundred and sixty (160) acres, constituting said southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,644, and dated February 24, 1912; and the said A. H. Swain, as Receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the en-

tire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of said General Land Office.

XXXIII.

That on the 14th day of February, 1907, H. Widmer, J. H. Butts, J. W. McCord, J. N. Hoyt, J. Gillespie, A. R. Orr, H. J. Light and W. B. Wallace, each and all of whom were then and there citizens of the United States, entered upon and took possession of said northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be *be* known as the "Petroleum Placer Mining Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of [58-A] the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock, A. M., in book 40 of Mineral Records, page 292.

XXXIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said northwest quarter (NW. $\frac{1}{4}$) of said Section thirty-

two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Petroleum Placer Mining Claim and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

XXXV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest the locators of said Petroleum Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00) has been expended upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time said defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of about one hundred (100) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th [59-A] day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said

land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession of the said northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Petroleum Placer Mining Claim, under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as aforesaid: that applicant herein has expended over Seven Hundred Dollars (\$700.00) upon the development of the gypsum deposits upon said land and over the sum of Nine Thousand Dollars (\$9,000.00) in drilling said well and in developing oil thereon;

XXXVI.

That said lands contain no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing

or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same. [60-A]

XXXVII.

That there are no adverse claims made to said northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian.

XXXVIII.

That thereafter and, to wit, on the 25th day of November, 1911, and long prior to the commencement of said above-entitled action, the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, the United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south range twenty-one (21) east, Mount Diabale meridian; that said application was numbered Mineral Entry No. 03448 and was known as such in said United States Land Office at Visalia, California.

XXXIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized

and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said company to the United States for a patent to said Petroleum Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. [61-A] That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof, that the said affidavit of application for patent set forth: the authority of affiant, to wit, said O. D. Barton, to make application for patent to said land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that there were no intervening rights to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and

that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Petroleum Placer Mining Claim. That with said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, (2) a certified copy of the notice of location of said placer claim, certified by the County Recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified [62-A] copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian,

and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the cost of said work and improvements equaled the amount stated in affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8) the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold [63-A] silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by F. H. Davis and Chester H. Miller, each for himself and not one for the other, that he was a citizen of the United States,

over the age of twenty-one (21), and was present on the 10th day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Petroleum Placer Mining Claim embracing said northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was duly posted upon said Petroleum Placer Mining Claim, that said notice was so posted and in such a conspicuous place upon said claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Petroleum Placer Mining Claim of the 10th day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Petroleum Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government

of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, [64-A] authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, Earl Northrup, J. N. Young and said above (1) supplemental and corroborative affidavit made by F. H. Davis were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, before D. E. Perkins, who was then and there a notary public in and for the county of Tulare, State of California. That said above (9) affidavit of posting notice of intention made by F. H. Davis and Chester H. Miller was regularly and duly subscribed and sworn to on the 10th day of November, 1911, in the county of Kern, State of California, before John T. Green, who was then and there a notary public in and for the county of Kern, State of California; that both said D. E. Perkins and John T. Green, as such notaries public, were authorized to administer oaths to persons making application for patent to mineral lands within the Land District wherein said northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, Petroleum Placer Mining Claim, was then and still is situated.

That with said application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Petroleum Placer Mining Claim, [65-A] according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

XL.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave due notice on the 2d day of December, 1911, that Lost Hills Mining Company had made application for patent to the northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Petroleum Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States, relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in

each issue of said paper for ten consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication being on the 8th day of February, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03448, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to Mineral Lands within the Land District wherein northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit: Petroleum Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper [66-A] of established character and general circulation and was designed by said Register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

XLI.

That thereafter in said proceedings for application for patent, Mineral Entry No. 03448, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention to apply for patent for the said Petroleum Placer Mining Claim embracing said northwest

quarter (NW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, setting forth that said notice of intention was conspicuously and duly posted upon said claim on the 10th day of November, 1911, as set forth in the affidavits of F. H. Davis and said Chester H. Miller, which said affidavit had been duly filed in the office of the Register of the United States Land Office at Visalia, State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian; that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a notary public in and for the County of Tulare, State of California, and as such was [67-A] authorized to administer oaths to persons applying for patent to the Mineral Lands in said Land District in which said northwest quarter

(NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Petroleum Placer Mining Claim, was then and now is situated.

XLII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the Legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land Office at Visalia, California, to purchase said Petroleum Placer Mining Claim, embracing said northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, Kern County, California, containing one hundred sixty (160) acres, according to the System of Public Land Surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for one hundred and sixty (160) acres, constituting said northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo

meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,645 and dated February 24, 1912; and the said A. H. Swain, as Receiver of [68-A] public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of said General Land Office.

XLIII.

That on the 14th day of February, 1907, H. J. Hoyt, F. R. Hight, L. M. Fredricks, A. R. Orr, H. Widmer, C. A. Butts, Sarah McCord and W. B. Wallace, each and all of whom were then and there citizens of the United States, entered upon and took possession of said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be known as the "Eagle Placer Min-

ing Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in book 40 of Mineral Records, page 287.

XLIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one [69-A] (21) east, Mount Diablo meridian, to wit, said Eagle Placer Mining Claim and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

XLV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Eagle Placer Mining Claim, and that during each year since the said year of 1907 more than One Hundred Dollars (\$100.00) has been expended upon said land in the way of work and improvements thereon and in the development thereof, and that during all of said time since defendant and its predecessors in inter-

est have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of at least seven hundred and fifty (750) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals of Land in Certain Cases," approved by the President of the United States June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and [70-A] in exclusive possession of the said northeast quarter (NE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Eagle Placer Mining Claim, under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said northeast quarter (NE. $\frac{1}{4}$) of section *thirty*

(32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as afore-said; that applicant herein has expended over Eight Hundred Dollars (\$800.00) upon the development of the gypsum deposits upon said land and over the sum of Ten Thousand Dollars (\$10,000.00) in drilling said well and in developing oil thereon;

XLVI.

That said lands contain no known lode and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.

XLVII.

That there are no adverse claims made to said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one east, Mount Diablo meridian.

XLVIII.

That thereafter and, to wit, on the 2d day of December, 1911, and long prior to the commencement of said above-entitled action, the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, the United States Land Office [71-A] at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Depart-

ment thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said northeast quarter (NE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian; that said application was numbered Mineral Entry No. 03457 and was known as such in said United States Land Office at Visalia, California.

XLIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said company to the United States for a patent to said Eagle Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be established by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; the authority of affiant, to wit; said O. D. Barton, to make application for patent to said land for and on behalf of said Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by

the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest [72-A] continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that applicant was a *bona fide* occupant and claimant to said land, that the land had no streams or springs of water thereon and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Eagle Placer Mining Claim. That with said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said northeast quarter (NE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, (2) a certified copy of the notice of location of said placer claim, certified by the County Recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the Articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said appli-

cation for patent, (5) an affidavit of said O. D. Barton making proof of improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and Nate Cahn, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said northeast quarter [73-A] (NE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the costs of said work and improvements equaled the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8) the affidavits made by Earl Northrup and Nate Cahn, who were persons not interested in any way in the land involved in said ap-

plication for patent, that they were familiar with said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by F. H. Davis and Chester H. Miller, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 10th day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Eagle Placer Mining Claim embracing said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (32), [74-A] township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian was duly posted upon said Eagle Placer Mining Claim, that said notice was so posted and such a conspicuous place upon said Placer Mining Claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Eagle Placer Mining Claim on the 10th day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the northeast quarter (NE. $\frac{1}{4}$) of section

thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit; said Eagle Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, Earl Northrup, Nate Cahn and said above (1) supplemental and corroborative affidavit made by said F. H. Davis were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, [75-A] before D. E. Perkins, who was then and there a notary public in and for the county of Tulare, State of California. That said above (9) affidavit as to posting of notice of intention to apply for patent made by F. H. Davis and Chester H. Miller was regularly and duly subscribed and sworn to on the 10th day of

November, 1911, in the county of Kern, State of California, before John T. Green, who was then and there a notary public in and for the county of Tulare, State of California; that both said D. E. Perkins and John T. Green, as such Notaries Public, were authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein said northeast quarter (NE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit; Eagle Placer Mining Claim, was then and still is situated. That with said application for patent was duly filed an abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Eagle Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

L.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave notice on the 2d day of December, 1911, that Lost Hills Mining Company had made application for patent to the

said northeast quarter (NE $\frac{1}{4}$) of section thirty-two (32), [76-A] township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Eagle Placer Mining Claim as required by the Acts of Congress and the rules and regulations of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was duly published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication being on the 8th day of February, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings, Mineral Entry No. 03457, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Timmons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to mineral lands within the Land District wherein northeast quarter (NE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Eagle Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said Register as

the newspaper in which said notice was to be published, and as the newspaper nearest said land.

LI.

That thereafter in said proceedings of application for patent, Mineral Entry No. 03457, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention [77-A] to apply for patent for the said Eagle Placer Mining Claim embracing said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, setting forth that said notice of intention was conspicuously and duly posted upon said claim on the 10th day of November, 1911, as set forth in the said affidavits of said F. H. Davis and said Chester H. Miller, which said affidavits had been duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California, and that said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said northeast quarter (NE. $\frac{1}{4}$) of section thirty-two

(32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a notary public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said northeast quarter (NE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Eagle Placer Mining Claim, was then and now *is* situated.

LII.

That on the 24th day of February, 1912, said Lost Hills [78-A] Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the Legislation of Congress supplemental thereto, did make its application in writing to the Register and Receiver of the United States Land Office at Visalia, California, to purchase said Eagle Placer Mining Claim, embracing said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (32) township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the system of public land surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price

thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for one hundred and sixty (160) acres, constituting said northeast quarter (NE. 1/4) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,646 and dated February 24, 1912; and the said A. H. Swain, as receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of [79-A] said General Land Office.

LIII.

That on the 14th day of February, 1907, W. B. Wallace, J. H. Butts, J. W. McCord, H. J. Hoyt, A. R. Orr, F. R. Hight, John Anderson and H. Wid-

mer, each and all of whom were then and there citizens of the United States, entered upon and took possession of said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (32) township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, and duly located the same as a Placer Mining Claim under the laws of the United States relating to the location of lands usually known as "Placers," which said Placer Mining Claim was to be known as the "Judge Placer Mining Claim," and did duly post thereon, in accordance with the laws relating thereto, a notice of location and did duly file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in book 40 of Mineral Records, page 288.

LIV.

That thereafter and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they conveyed said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said "Judge Placer Mining Claim," and all their right, title and interest therein to said defendant, Lost Hills Mining Company, a corporation.

LV.

That ever since said 14th day of February, 1907, the said land has been in the actual, peaceable, open, notorious, continuous, exclusive and undisputed

possession of the said defendant, the Lost Hills Mining Company, a corporation, and its predecessors in interest, the locators of said Judge Placer Mining Claim, and that during each year since the said year of 1907 more than One [80-A] Hundred Dollars (\$100.00) has been expended uponed said land in the way of work and improvements thereon and in the development thereof, and that during all of said time defendant and its predecessors in interest have been in the diligent prosecution of work leading to the discovery of oil on said land, and that said work was diligently prosecuted until oil was discovered thereon and a well was drilled, producing petroleum at the rate of about fifty (50) barrels per day; that defendant, Lost Hills Mining Company, a corporation, and its predecessors in interest also discovered upon said land large, valuable and extensive deposits of gypsum of good commercial quality, and that the same has been opened up and developed; that prior to and on the 27th day of September, 1909, at the time when the President of the United States, acting by and through the Secretary of the Interior, attempted to withdraw and reserve said land herein described from mineral exploration, and prior to and at the time of the passage and approval of an Act of Congress entitled "An Act to Authorize the President of the United States to Make Withdrawals in Certain Cases," approved by the President of the United States, June 25, 1910, chapter 421, and ever since and continuously up to the present time the said Lost Hills Mining Company has been and now is a *bona fide* occupant and in exclusive possession

of the said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, to wit, said Judge Placer Mining Claim, under a *bona fide* claim thereto by virtue of the location and work hereinbefore mentioned, and that at all of said times the work of drilling an oil well upon said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, [81-A] Mount Diablo meridian was actually, actively and diligently being carried on upon said land under such *bona fide* claim of title thereto, and was diligently continued to completion, as aforesaid; that applicant herein has expended over Nine Hundred Dollars (\$900.00) upon the development of the gypsum deposits upon said land and over the sum of Ten Thousand Dollars (\$10,000.00) in drilling said well and in developing oil thereon.

LVI.

That said lands contain no known lodes and are valuable for their placer mineral contents only and have no value for purposes of agriculture or grazing or timber or stone, nor is there any water thereon nor is there any stream of water nor watercourse running through the same.

LVII.

That there are no adverse claims made to said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian.

LVIII.

That thereafter and, to wit, on the 2d day of December, 1911, and long prior to the commencement of said above-entitled action, the defendant herein, the Lost Hills Mining Company, did duly make and file its application for patent in the proper Land Office of the United States, to wit, The United States Land Office at Visalia, California, wherein and whereby it did apply to the United States of America and to the General Land Department thereof, in accordance with the laws of the United States of America and the Regulations of the Department of the Interior in reference thereto, for a patent to said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian; that said application was numbered Mineral Entry No. 03459 and was known as such in said United States Land Office at Visalia, California. [82-A]

LIX.

That said application for said patent herein was made for and on behalf of the claimant, the Lost Hills Mining Company, the defendant herein, by O. D. Barton, who was duly designated, authorized and empowered by a resolution of the directors of said defendant, Lost Hills Mining Company, a corporation, to make on its behalf all necessary affidavits and other papers in writing pertaining to an application by said company to the United States for a patent to said Judge Placer Mining Claim; that said O. D. Barton was at said time, and now is, a person conversant with all of the facts sought to be estab-

lished by the affidavits presented in support of said application for patent. That said application for patent was in the form of an affidavit and was accompanied by other affidavits in support thereof; that the said affidavit of application for patent set forth: the authority of affiant, to wit, said O. D. Barton, to make application for patent to sell land for and on behalf of the Lost Hills Mining Company, the company's qualification to make such application and to acquire a patent, the location of said Placer Mining Land with the names of the locators, the transfer by the original locators of said land to the said Lost Hills Mining Company, the possession by said Lost Hills Mining Company and of their predecessors in interest continuously from the 14th day of February, 1907, down to the date of making application, the extent of the work done in developing the gypsum and petroleum in said land, the quantity of gypsum and oil that had been developed, the amount of money that had been expended in developing the same, the facts that applicant was a *bona fide* occupant and claimant of said land, that the land had no streams or springs of water thereon [83-A] and no growth of timber thereon, and that the land was of no value for any other purpose than for that of producing gypsum and petroleum, and an application for patent to said lands as the Judge Placer Mining Claim. That with said affidavit of application were filed: (1) a supplemental and corroborative affidavit made by one F. H. Davis, in which he set forth the quantity, quality and value of the gypsum found upon said southwest quarter (SW. $\frac{1}{4}$) of sec-

tion thirty-two, township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, (2) a certified copy of the notice of location of said placer claim, certified by the county recorder of Kern County, to be a full, true and correct copy of the original filed for record on the 23d day of February, 1907, at the request of J. N. Hoyt, (3) a certified copy of the articles of Incorporation of said Lost Hills Mining Company, (4) a certified copy of the resolution appointing the said O. D. Barton to make all papers necessary in connection with said application for patent, (5) an affidavit of said O. D. Barton making proof on improvements upon said land and of the extent thereof and of the quality, quantity and value of the minerals found in and upon said land and the expenditures made in developing the same, (6) the affidavits made by Earl Northrup and J. N. Young, who were disinterested in the application for said patent, wherein and whereby they set forth that they were familiar with said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and have been upon and over the same frequently and knew the work and improvements which the said Lost Hills Mining Company had caused to be done and made thereupon, that they had read the said affidavit of said O. D. Barton in reference to the proof of improvements made upon said land and knew the contents thereof, and that said affidavit correctly stated and described the work and improvements upon said land and knew the contents thereof, and that said affidavit correctly stated

and described the work and improvements upon said [84-A] land and that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that the cost of said work and improvements equal the amount stated in said affidavit of said O. D. Barton, (7) the affidavit of said O. D. Barton as to the nonexistence of any lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral within the boundaries of said land, and that the said O. D. Barton believed that no such lode or vein existed therein, (8), the affidavits made by Earl Northrup and J. N. Young, who were persons not interested in any way in the land involved in said application for patent, that they were familiar with said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, and that no known lode or vein of quartz or other rock, in place bearing gold, silver, copper, cinnabar or other mineral existed within the boundaries of said land and that neither of them believed that said lode or vein existed therein, (9) the affidavit made by F. H. Davis and Chester H. Miller, each for himself and not one for the other, that he was a citizen of the United States, over the age of twenty-one (21) and was present on the 10th day of November, 1911, when the notice of intention of said Lost Hills Mining Company, a corporation, to make application for United States patent for said Judge Placer Mining Claim embracing said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount

Diablo Meridian was duly posted upon said Judge Placer Mining Claim, that said notice was so posted and in such a conspicuous place upon said placer mining claim at and upon the derrick over the oil well upon said claim, that said notice could be easily and readily seen and examined, (10) a copy of said notice of application for patent posted upon said Judge Placer Mining Claim on the 10th day of November, 1911, (11) the contract of the publisher of the "Delano Record," wherein and whereby he [85-A] agreed to publish the notice that the Lost Hills Mining Company, a corporation, had made application for patent to the southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit: said Judge Placer Mining Claim, as required by Act of Congress approved May 10, 1872, and Amendments thereto, and the Acts of Congress relating to the sale and disposition of public lands chiefly valuable for petroleum, situate in the county of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same, and that no claim should be made against the Government of the United States or its officers or agents for such publication, and (12) the authority of the Lost Hills Mining Company, signed by O. D. Barton, authorizing the Register and Receiver of the United States Land Office at Visalia, California, to send notices concerning said application to U. T. Clotfelter, Attorney at Law, 409 Kerckhoff Building, Los Angeles, California, and agreeing that

notices so sent should be deemed to be notices to said Lost Hills Mining Company. That all of said affidavits made by O. D. Barton, Earl Northrup, J. N. Young and said above (1) supplement and corroborative affidavit made by F. H. Davis were regularly and duly subscribed and sworn to on the 10th day of November, 1911, at Visalia, California, before D. E. Perkins, who was then and there a Notary Public in and for the county of Tulare, State of California. That said above (9) affidavit of posting notice of intention made by F. H. Davis and Chester H. Miller was regularly and duly subscribed and sworn to on the 10th day of November, 1911, in the county of Kern, State of California, before John T. Green, who was then and there a Notary Public in and for the county of Kern, [86-A] State of California; that both said D. E. Perkins and John T. Green, as such Notaries Public, were authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Judge Placer Mining Claim, was then and still is situated. That with said application for patent was duly filed and abstract of title made by a duly authorized abstract company, which company was competent to make abstracts of title to lands in Kern County, which said abstract was certified by said abstract company as containing a true and correct memorandum of all instruments filed for record and recorded in the offices of the County Recorder, Clerk, Auditor and Tax

Collector of the county of Kern, State of California, which said abstract of title showed and established that the record title to said Judge Placer Mining Claim, according to said records was vested in the Lost Hills Mining Company at the time of making the said application for patent.

LX.

That upon the filing of said application for patent George W. Stewart, as Register of the United States Land Office at Visalia, California, gave notice on the 2d day of December, 1911, that Lost Hills Mining Company had made application for patent to the said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Judge Placer Mining Claim as required by the Acts of Congress and said rules and regulation of the Department of the Interior of the United States relating to the sale and disposition of public lands chiefly valuable for petroleum; which said notice was duly published in the "Delano Record," which is a weekly newspaper published in the town of Delano, county of [87-A] Kern, State of California, in each issue of said paper for ten consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication being on the 8th day of February, 1912, all of which facts appear and due proof thereof was made in the affidavit of C. H. Seiders filed in said application for patent proceedings Mineral Entry No. 03459, which said affidavit was duly and regularly subscribed and sworn to on the 21st day of February, 1912, before W. B. Tim-

mons, who was then and there a notary public in and for the county of Kern, State of California, and as such was authorized to administer oaths to persons making application for patent to mineral lands within the land district wherein southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, Judge Placer Mining Claim, was then and still is situated. That said "Delano Record" in which said notice was published is a newspaper of established character and general circulation and was designated by said Register as the newspaper in which said notice was to be published, and as the newspaper nearest said land.

LXI.

That thereafter in said proceedings of application for patent, Mineral Entry No. 03459, there was filed affidavit of said O. D. Barton of proof of continuous posting of said notice given by said Lost Hills Mining Company, a corporation, of its intention to apply for patent for the said Judge Placer Mining Claim embracing said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, setting forth that said notice of intention was conspicuously and duly posted upon said claim on the 10th day of November, 1911, as set forth in the affidavits of F. H. Davis and said Chester H. Miller, which said affidavits [88-A] had been duly filed in the office of the Register of the United States Land Office at Visalia, State of California, and that said notice posted as aforesaid remained

continuously and conspicuously posted upon said mining claim from the 10th day of November, 1911, A. D., up to and including the 15th day of February, 1912, including the sixty (60) day period during which the notice of said application for patent given by said George W. Stewart, as Register, as aforesaid, was published, as aforesaid, in said "Delano Record," and also another affidavit of said O. D. Barton, wherein he made a sworn statement of the sums of money paid by said applicant in the prosecution of said application for patent to said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, that said affidavits made by said O. D. Barton were regularly subscribed and sworn to on the 24th day of February, 1912, before E. C. Farnsworth, who was then and there a Notary Public in and for the county of Tulare, State of California, and as such was authorized to administer oaths to persons applying for patent to the mineral lands in said land district in which said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, to wit, said Judge Placer Mining Claim, was then and now is situated.

LXII.

That on the 24th day of February, 1912, said Lost Hills Mining Company by said O. D. Barton, its duly authorized agent, under the provisions of the Revised Statutes of the United States, chapter 6, title 32, and the legislation of Congress supplemental thereto, did make its application in writing to the

Register and Receiver of the United States Land Office at Visalia, California, [89-A] to purchase said Judge Placer Mining Claim, embracing said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, Kern County, California, containing one hundred and sixty (160) acres, according to the System of Public Land Surveys of the United States, and therein did agree to pay therefor the sum of Four Hundred Dollars (\$400.00), the same being the legal price thereof. That thereafter and on, to wit, the 24th day of February, 1912, the defendant herein, the Lost Hills Mining Company, paid to the plaintiff herein to and through the Receiver of public moneys at the United States Land Office at Visalia, California, the sum of Four Hundred Dollars (\$400.00), the same being in full payment for One Hundred and Sixty (160) acres, constituting said southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, and did receive therefor the receipt in duplicate of A. H. Swain, as Receiver of the public moneys in the United States Land Office at Visalia, California, which said receipt was numbered 679,648 and dated February 24, 1912; and that said A. H. Swain, as Receiver of public moneys in the United States Land Office at Visalia, California, did duly issue to said Lost Hills Mining Company, a corporation, the regular and legal receipt in duplicate for said sum of Four Hundred Dollars (\$400.00), and thereupon the Register and Receiver did allow said

entry and did forward one of said duplicate receipts with the entire record in said application for patent proceedings to the Commissioner of the General Land Office, for his inspection and approval, and said proceedings ever since have been and now are pending before said Commissioner of said General Land Office. [90-A]

LXIII.

That each and all of said applications for patents, as hereinbefore set forth, are now, and were at the time of the commencement of this action, pending before the Department of the Interior of the United States in the General Land Department thereof; that the Commissioner of the General Land Office, as head of said General Land Department of the United States, has not made nor rendered any decision upon said applications for patents, nor upon any of them; nor has the Secretary of the Interior made or rendered any decision upon said applications for patents, or any of them.

LXIV.

That said defendant, said Lost Hills Mining pany, a corporation, did, heretofore, to wit, on December 2d, 1911, duly make its mineral application No. 03458 for a patent covering the Fog Horn Placer Mining Claim embracing the southeast quarter (SE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo meridian, in the county of Kern, State of California; that said application was in form and in substance similar to the applications heretofore made by said defendant and now pending for patent covering the

lands involved in this action; that the Honorable Commissioner of the General Land Office did, on the 29th day of November, 1915, clear list the said application of said defendant, said Lost Hills Mining Company, a corporation, covering said southeast quarter (SE. $\frac{1}{4}$) of said section thirty-two (32), and pursuant to said clear listing the patent of the United States has been issued and delivered to the said defendant said Lost Hills Mining Company, a corporation, for the said southeast quarter (SE. $\frac{1}{4}$) of said section thirty-two (32). That the said Honorable Commissioner of the General Land Office, in clear listing the application of said defendant, said Lost Hills [91-A] Mining Company, a corporation, for said southeast quarter (SE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, did duly render his opinion and the opinion of the Land Department of the United States upon the *bona fides* of the said defendant, said Lost Hills Mining Company, upon said application and upon all of the applications for patent covering the lands involved in this action. That the said Honorable Commissioner of the General Land Office of the United States did, in his said decision, find, as a matter of fact; that the claim covering the said southeast quarter (SE. $\frac{1}{4}$) of section thirty-two (32) was located on the 14th day of February, 1907, by the predecessors of said defendant, said Lost Hills Mining Company, a corporation; that said locators, at the same time, with other locators, located over twenty-two other tracts in the same vicinity and that the several lands so located were

transferred to the said corporation, said defendant herein, said Lost Hills Mining Company; that each interested person, to wit, each locator, received his proportionate share of the stock issued and that in view of said locations and assignments and the circumstances relating thereto, there did exist and does exist no reason for questioning the good faith and regularity of the locations of said claims; that said defendants herein hereby respectfully refer to said decision and make the same a part hereof; that the location of said mining claims hereinabove set forth covering the lands described and the Amendment to plaintiff's bill of complaint, are included in said twenty-two locations referred to in said opinion and decision of the Honorable Commissioner of the General Land Office of the United States hereinabove referred to.

LXV.

Said defendants allege the occupancy and claim to said property of said defendant, said Lost Hills Mining Company, a corporation, is not that of a trespasser and is not in violation of the proprietary and other rights of the plaintiff herein nor [92-A] in violation of the laws of the United States or any of them, or the lawful orders or proclamations of the President of the United States or any of them, and is particularly not in violation of the orders of withdrawal of September 27th, 1909, of the President of the United States, acting by and through the Secretary of the Interior, as set forth in paragraph III of plaintiff's complaint, nor in disregard of nor by infringement upon the general governmental policy

adopted by the United States for the production or conservation or disposal or use of the petroleum or gas contained in said lands or in other lands belonging to the United States, and in this behalf this defendant further alleges that said defendant, said Lost Hills Mining Company, a corporation, and its predecessors in interest, in accordance with the laws of the United States relative to the prospecting, exploring, discovering, entering upon and developing of the valuable minerals and particularly petroleum and gypsum in the public lands of the United States, did enter upon said lands hereinbefore described, as herein set forth, at the express invitation of the plaintiff herein, and did proceed, in accordance with the laws of the United States, to prospect, explore, discover and develop the minerals therein contained and did diligently prosecute said work of prospecting, exploring, discovering and entering upon and developing said petroleum and gypsum until the same had been discovered and developed in commercial quantities.

LXVI.

That defendants allege that all the matters set up in the bill of complaint herein are under the exclusive control and jurisdiction of the Honorable Secretary of the Interior of the United States and the Honorable Commissioner of the General Land Office of the United States; that this Court has no jurisdiction [93-A] or authority to interfere with the exercise of said exclusive control and jurisdiction of said Honorable Secretary of the Interior and the Honorable Commissioner of the General Land Office of the

United States, or to proceed with the hearing of this action while said application for patent proceedings are pending; that under and by virtue of the laws of the United States and the acts of Congress relating to the disposition of public lands by the United States, and particularly in mineral lands, the only tribunal vested with power and authority to determine the matters set forth in plaintiff's bill of complaint and the amendment thereto and all question of fact and law relating thereto, and as to whether or not said Lost Hills Mining Company is entitled to patents to said lands and is the owner thereof and has any claim thereto, and as to whether or not said defendant, said Lost Hills Mining Company, a corporation, should be granted and given a patent to and continue in possession of said lands and develop, operate and extract minerals therein contained therefrom, is the General Land Department of the United States, at the head of which is the Honorable Commissioner of the General Land Office, who, acting under the direction, supervision and control of the Honorable Secretary of the Interior of the United States, has exclusive jurisdiction, power, supervision and control over all matters which relate to the disposition, occupancy and use of the public lands of the United States and of the lands involved in this action. That until the said Honorable Commissioner of said General Land Office, acting as the head of said General Land Department of the United States and under the supervision, direction and control of the Secretary of the Interior, shall have determined the rights of said defendants herein in and to said lands in said

lands in said pending applications for patent proceedings, and shall have denied said applications for patent to said lands, [94-A] this Honorable Court has and can have no jurisdiction over the subject matter or of the parties involved in said applications for patent and in these proceedings or to determine, order or decide that said Lost Hills Mining Company, a corporation, and said Universal Oil Company, a corporation, defendants herein, or each, or any of them, should make full disclosure or set up their claims or the claims of either of them herein, or to said lands described in said amendment to said bill of complaint, or any part thereof, or to determine, order or decide that said defendants, or either of them, be required to make full, true and direct answer, respectively, to all or singular the matters or things stated or charged in plaintiff's complaint herein or the amendment thereto, or to declare that said lands, or any part thereof, set forth in said bill of complaint or the amendment thereto, and hereinabove described, to have been at all times from and after the 27th day of September, 1907, lawfully withdrawn from mineral exploration or from all or any forms of location or settlement or selection or filing or entry or disposal under the mineral or nonmineral public land laws of the United States, or to adjudge or decree that said defendants herein, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, have no estate, or right, or title, or interest, or claim, in or to said lands or any part thereof, or in or to any minerals, or mineral or mineral deposits contained in or

under said lands or any parts thereof, or to adjudge or decree that all or singular of said lands, or any part thereof, together with, or without all or any of the minerals, or mineral or mineral deposits or the mineral oil or petroleum or gas therein or thereunder contained to be the perfect property, or otherwise, of the plaintiff herein, free or clear of the claims or claim of said [95-A] defendants, or either of them, or to enjoin each, or all, or any of the defendants herein, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, or the officers or officer, or agent or agents, or servants or servant, or attorneys or attorney of said defendants, or either of them, during the progress of said action, or thereafter, or at all, finally or perpetually, from asserting or claiming any right, or title, or interest, or claim, or lien in or to the said lands, or any part thereof, or in or to any of the minerals or mineral or mineral deposits therein or thereunder contained, or to enjoin each or all or either of said defendants, to wit, said Lost Hills Mining Company, a corporation, or said Universal Oil Company, a corporation, or the officers or officer, or agents or agent, or servants or servant, of said defendants, or either of them, during the progress of this suit, or thereafter, or at all, finally or perpetually, or at all, from going upon any part or portion of said land or from, in any manner, using any of said lands or premises, or any part thereof, or from in any manner extracting, removing or using any of the minerals, mineral or mineral deposits in or under said lands or premises, or any part or portion

thereof, or any of the other or natural products thereof, or from in any manner committing any trespass or waste upon any of said lands or with reference to any of the minerals, mineral or mineral deposits therein or thereunder or any of the other or natural products thereof, or to order or determine or decide or decree that an accounting be had by said defendants, or either or any of them, wherein said defendants, or either or any of them, shall make full or complete or itemized or correct disclosure of the quantities of mineral, or particularly of petroleum removed or extracted or received by them, or either [96-A] of them, from said lands, or any part or portion thereof, or of any money or moneys or other property or thing of value received from the sale or disposition of any or all of the minerals or mineral extracted from said lands, or any part or portion thereof, or of any rent or profits received under any sale or lease or transfer or conveyance or contract or agreement concerning said lands or any part thereof, or that the plaintiff may recover from said defendants or either or any of them, respectively, all damages or any damages sustained by plaintiff under these premises, or to determine or decree or adjudge or order or decide that the plaintiff herein is entitled to any damage whatsoever in these premises, or to appoint a receiver to take possession of said lands or of all or any wells or well, or derricks or derrick, or drills or drill, or pumps or pump, or storage vats or storage vat, or pipes or pipe, or pipe-lines or pipeline, or machinery, or tools or tool, or appliances or appliance of every character or any character there-

of, belonging to or in the possession of said defendants or either of them, which have been used or now are being used in the extraction or storage or transportation or refining or sale or manufacture or in any other manner in the production of petroleum or petroleum products or of any minerals or mineral or mineral deposits from said land, or any part or portion thereof, for the purpose of continuing, or otherwise, and with full power and authority or with full power or authority, to continue the operation on said lands or any part thereof, of the production or sale of petroleum or other minerals or mineral or mineral deposits where such course is necessary to protect the alleged property of the complainant against injury or waste, or for any other purpose or purposes, or otherwise, or at all, or for the preservation or production or use of the oil or gas in said lands, or in any portion thereof, or the wells or well, or [97-A] derricks or derrick, or pumps or pump, or tanks or tank, or storage vats or storage vat, or pipes or pipe, or pipe-lines or pipe-line, or houses or house, or shops or shop, or tools or tool, or machinery, or appliances or appliance being used by said defendants, or either of them, or otherwise, or the officers or officer, or agents or agent, or assigns or assign, of said defendants, or either of them, in the production, or transportation, or manufacture, or sale of petroleum or other minerals or mineral or mineral deposits from said lands or any part thereof, or to vest such receiver with the usual or general or any powers vested in receivers of courts of chancery, or otherwise.

WHEREFORE defendants pray that the plaintiff take nothing by this action against either of these defendants, and that said action be dismissed and that these defendants recover their costs and disbursements herein expended and for such further relief as to the Court in equity may seem meet in the premises.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

R.,

Attorneys for Said Defendants Said Lost Hills Mining Company, a Corporation, and Said Universal Oil Company, a Corporation. [98-A]

United States of America,

State of California,

City and County of San Francisco,—ss.

R. A. Morton, being first duly sworn, deposes and says:

That he is an officer of one of the defendants in the above-entitled action, namely, the Secretary of said Lost Hills Mining Company, a corporation, and as such makes this affidavit of verification; that he has read the foregoing Answer and knows the contents thereof; that the same is true of his own knowledge except as to the matters which are therein stated upon information or belief, and as to those matters that he believes it to be true.

R. A. MORTON.

Subscribed and sworn to before me this 13th day of June, 1916.

[Seal]

W. W. HEALEY,
Notary Public in and for the City and County of San Francisco, State of California. [99-A]

[Endorsed]: No. A-52—In Equity. In the District Court of the United States, in and for the Northern District of California, Northern Division. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. Answer of Defendants, Universal Oil Company and Lost Hills Mining Company. Received Copy of Within Answer this 13th June, 1916. E. J. Justice, A. E. Campbell, Albert Schoonover, Frank Hall. Attys. for Pltf. Filed Jun. 14, 1916. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, Attorneys for Defendants, Lost Hills Mining Company and Universal Oil Company, Crocker Building, San Francisco, California. [100-A]

In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit.

No. A-52—IN EQUITY.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL OIL COMPANY, and ASSOCIATED OIL COMPANY,

Defendants.

**Answer of Associated Oil Company to Bill of
Complaint as Amended.**

Comes now Associated Oil Company, one of the defendants in the above-entitled cause, and, severing from its codefendants, answers the purported Bill in Equity as amended of the plaintiff herein, as follows:

I.

Admits the allegations of paragraph I of said bill of complaint as amended.

II.

Admits that before on or about the 13th day of February, 1907, the lands described in paragraph II of said bill of complaint as amended, were a part of the public lands of the United States, and that as such, the plaintiff was, at said time, the owner of said lands; but alleges that the defendants Lost Hills Mining Company and Universal Oil Company claim that at all times since on or about said 13th day of February, 1907, the plaintiff has held, and now holds, the legal title to said lands, for them, and that ever since on or about said last-named date they and their assignors and predecessors in interest have been, [101-A] and that they now are, the equitable owners of said lands, and entitled to the possession and in possession thereof, and of all oil, petroleum, gas and other minerals therein contained; and this defendant states that it is without knowledge as to whether or not plaintiff has, at any time since said 13th day of February, 1907, been entitled to the possession of said lands, or any part thereof, or of the oil, petro-

leum, gas, or other minerals contained in said lands or any part thereof.

III

Admits that on the 27th day of September, 1909, the President of the United States, acting by and through the Secretary of the Interior and under the authority legally invested in him so to do, duly regularly issued a proclamation, in the words and figures following, to wit:

“TEMPORARY PETROLEUM WITHDRAWAL NO. 5.

In aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, all public lands in the accompanying lists are hereby temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal, under the Mineral or Nonmineral Public Land Laws. All locations or claims existing and valid on this date may proceed to entry in the usual manner, after field investigation and examination”;

Admits that the lands described in paragraph II of said bill of complaint as amended, were mentioned in the lists accompanying said Temporary Petroleum Withdrawal No. 5, and further admits that since said 27th day of September, 1909, none of the public lands mentioned in said lists, on which there were no locations or claims existing and valid on said last-named date, has been subject to exploration for mineral, oil, petroleum, or gas, occupation, or the institution of any right under the public [102-A] land laws of the United States; but alleges that said defendants Lost Hills Mining Company and Universal Oil Com-

pany claim that the lands described in paragraph II of said bill of complaint as amended have, at all times since on or about said 13th day of February, 1907, been, and that they now are, valid locations and claims within the meaning, purport, intent and effect of the provision in said Temporary Petroleum Withdrawal Order No. 5, that all locations and claims existing and valid on the 27th day of September, 1909, may proceed to entry in the usual manner, after field investigation and examination.

IV.

This defendant denies upon and according to its information and belief that, in violation either of the proprietary right of plaintiff or of any other right of plaintiff, or in violation of any law of the United States or of any lawful order or proclamation of the President of the United States, or, particularly, in violation of said Order of Withdrawal of September 27, 1909; or in disregard of, contrary to, or by infringement upon, the general or any governmental policy adopted by the United States for the protection, conservation, disposal and use, or for the protection, conservation, disposal, or use, of the petroleum and gas, or of the petroleum or gas, contained in the said lands, or any thereof, the defendants Lost Hills Mining Company and Universal Oil Company, or either of them, entered upon and took possession, or entered upon, or took possession, of the lands in said bill of complaint as amended described, or of any of said lands, either prior or prospecting and exploring, or for the purpose of prospecting, or exploring, for petroleum and gas, or

petroleum or gas, therein, or [103-A] for any other purpose; or did so prospect and explore, or prospect, or explore, long subsequent to said 27th day of September, 1909, or at any time; or that said defendants or their assignors or predecessors in interest, or any of them, entered upon said lands, or any thereof, subsequent to the 27th day of September, 1909, for any purpose whatsoever; and in this behalf, this defendant alleges upon and according to its information and belief that the said defendants and their assignors and predecessors in interest lawfully entered upon, and took possession of, said lands long prior to said 27th day of September, 1909, to wit, on or about the 13th day of February, 1907, and that they have been ever since said last-named date, and now are, in the lawful possession of said lands; and that said defendants and their assignors and predecessors in interest did prospect and explore said lands for petroleum and gas therein long prior to said 27th day of September, 1909.

V.

This defendant states that it is without knowledge as to whether or not said defendants Lost Hills Mining Company and Universal Oil Company, or either of them, had discovered minerals on said lands on or before the 27th day of September, 1909, or as to whether or not said defendants had acquired any rights on, or with respect to, said lands on, or prior to, said date; but alleges that said defendants claim to have acquired rights on, or with respect to, said lands prior to said 27th day of September, 1909, and that their rights were not, and could not, lawfully be

affected or impaired by said Temporary Petroleum Withdrawal No. 5.

VI.

This defendant states that it is without knowledge as to whether or not either of said defendants Lost Hills Mining Company and Universal Oil Company, or any person for them or [104-A] under whom they claim was, at the date of said Order of Withdrawal of September 27, 1909, a *bona fide* occupant or claimant of said land and in the diligent prosecution of work leading to the discovery of oil or gas; but alleges that said defendants claim that at the date of said Order of Withdrawal of September 27, 1909, the defendant Lost Hills Mining Company was a *bona fide* occupant and claimant of said land and in the diligent prosecution of work leading to the discovery of oil or gas; and this defendant further alleges that it is without knowledge as to whether or not either of said defendants, after the dates of the respective entry upon said land and after the beginning of the prosecution of the work of drilling for oil and gas, continued in the diligent prosecution of said work until oil or gas was discovered; but alleges that said defendants claim that after entry upon said lands and after beginning the prosecution of the work of drilling for oil and gas, they did continue in the diligent prosecution of said work until oil or gas was discovered, and that they have, at no time, prosecuted said work in violation of the Order of Withdrawal of September 27, 1909.

VII.

This defendant states that it is without knowledge

as to when the defendant Lost Hills Mining Company discovered petroleum on said lands; this defendant admits that the said Lost Hills Mining Company and said Universal Oil Company have drilled numerous wells on said lands, for the extraction of petroleum therefrom, and have extracted and produced on said land large quantities of petroleum and gas; but this defendant denies upon and according to its information and belief that either of said defendants has extracted or produced on said lands or any part thereof any petroleum or gas in violation of the proprietary or other rights [105-A] of the plaintiff, or in violation of any law of the United States, or of any proclamation or order issued by the President of the United States, or, particularly, in violation of said Order of Withdrawal of September 27, 1909; or in disregard of, or contrary to, or by infringement upon, the general or any governmental policy adopted or declared by the United States for the protection, conservation, use and disposal, or for the protection, conservation, use, or disposal, of petroleum and gas, or petroleum, or gas, in said lands and in other lands belonging to the United States; or to the great or irreparable, or any damage to the plaintiff, or to the great or irreparable, or any injury to the lands described in said bill of complaint as amended, or to other lands belonging to the United States.

VIII.

Denies that of the petroleum extracted and produced from the lands described in said bill of complaint as amended, large quantities thereof, or any

quantity, has been sold and delivered, or sold, or delivered, by the defendant Lost Hills Mining Company to this defendant; but admits that of the petroleum produced from said lands (but not produced in the manner set forth in paragraph VII of said Bill of Complaint as amended) some quantity has been sold and delivered by the defendant Universal Oil Company to this defendant; and in this behalf this defendant alleges that on the 16th day of January, 1912, and long prior thereto, and ever since said date, the defendant Universal Oil Company has been in possession of and has been operating the lands described in the bill of complaint herein as amended and contiguous lands; and that on or about the 16th day of January, 1912, said Universal Oil Company entered into an agreement with this defendant for the sale and [106-A] and delivery by said Universal Oil Company to this defendant of five million (5,000,000) barrels of crude petroleum of forty-two (42) gallon each in bulk, to be produced from the following described lands, to wit:

From all of Section Thirty (S. 30), and all of Section Thirty-Two (S. 32) except the East Half (E. $\frac{1}{2}$) of the Northeast Quarter (NE. $\frac{1}{4}$) of said Section Thirty-Two (S. 32), in Township Twenty-Six South (T. 26 S.), Range Twenty-one East (R. 21 E.), M. D. B. & M.; also from the West Half (W. $\frac{1}{2}$); the West Half (W. $\frac{1}{2}$) of the West Half (W. $\frac{1}{2}$) of the Northeast Quarter (NE. $\frac{1}{4}$); the East Half (E. $\frac{1}{2}$) of the Northeast Quarter (NE. $\frac{1}{4}$) of the Northeast Quarter (NE. $\frac{1}{4}$), and the East Half (E. $\frac{1}{2}$)

of the West Half (W. $\frac{1}{2}$) of the Northeast Quarter (NE. $\frac{1}{4}$) of the Northeast Quarter (NE. $\frac{1}{4}$) of Section five (S. 5), Township Twenty-Seven South (T. 27 S.), Range Twenty-One East (R. 21 E.), M. D. B. & M.

And that said Universal Oil Company has delivered to this defendant under said agreement a large quantity of crude petroleum; but that this defendant is without knowledge as to what quantity of crude petroleum, produced from the lands described in the bill of complaint herein as amended, has been delivered to this defendant by said Universal Oil Company.

IX.

This defendant denies upon and according to its information and belief that said defendants Lost Hills Mining Company and Universal Oil Company, or either of them, are now unlawfully extracting oil from said lands, or any part thereof; and this defendant states that it is without knowledge as to any of the other matters alleged in paragraph IX of said bill of complaint as amended, except as to the allegation that said defendants Lost Hills Mining Company and Universal Oil Company are asserting claims to said lands.

X.

This defendant denies that it claims any right, title, or interest to said lands, or any part thereof, or in the petroleum or [107-A] gas extracted therefrom, or in or to the proceeds arising from the sale of such petroleum, or through or by purchase thereof, except as hereinbefore alleged; but this de-

defendant admits upon and according to its information and belief that the defendants Lost Hills Mining Company and Universal Oil Company claim some right, title and interest to said lands and to all thereof, and in the petroleum, gas and other minerals extracted therefrom, and in and to the proceeds arising from the sale of such petroleum, and through and by purchase thereof; and that each of said claims is predicated upon, and derived directly from, the Notices of Mining Locations and from the mining locations made on or about the 13th day of February, 1907, and from the possession, occupation and development of said lands from and after said last-named date, and by conveyances directly or mediately from the persons by whom such locations were made. This defendant further states that it is without knowledge as to whether or not any of said location notices or claims is valid against plaintiff, or whether or not any rights have accrued to the said defendants, or any of them, thereunder, either directly or mediately; but this defendant alleges upon and according to its information and belief that said defendants assert, and at all times since said 13th day of February, 1907, have asserted, that said location notices and claims are valid against plaintiff, and that valid rights have accrued to the said defendants, and to each of them, by virtue of said location notices and claims, and by virtue of the continued possession, occupation and development of said lands thereunder, and that said claims are not asserted to cast a cloud upon the title of plaintiff and do not wrongfully interfere with plaintiff's operation and

disposition of said lands, to the great irreparable or any damage of plaintiff, or to the great, irreparable or any injury of said lands; and this [108-A] defendant denies that plaintiff is without redress or adequate remedy save by this suit, or that this suit is necessary to avoid multiplicity of actions.

XI.

This defendant denies upon and according to its information and belief that because of the premises of the said bill as amended, or otherwise, none of the defendants has, or ever had, any right, title or interest in or to, or any lien upon, said lands or any part thereof, or any right, title or interest in or to the petroleum, mineral, oil, or gas deposited therein, or any right to extract petroleum, gas, or other minerals from said land, or to convert or dispose of the petroleum or gas so extracted, or any part thereof; or that any of the acts of defendants Lost Hills Mining Company and Universal Oil Company, or of either of them, was in violation of the laws of the United States or of the aforesaid Order of Withdrawal, or in violation of the rights of the plaintiff, or that any of said acts interfere with the execution by the plaintiff of its public policies with respect to said lands and the petroleum and gas therein, as in the said bill as amended set forth, or otherwise; and in this behalf this defendant alleges upon and according to its information and belief that the said defendants Lost Hills Mining Company and Universal Oil Company and their assignors and predecessors in interest claim, and ever since on or about the 13th day of February, 1907, have claimed, that the said

predecessors in interest of said defendants duly located said lands as mining claims, on or about said 13th day of February, 1907, and that said lands were then unoccupied public lands of the United States, open to exploration and location for minerals under the [109-A] Mineral Laws of the United States; and that said defendants and their assignors and predecessors in interest have worked said lands described in said bill of complaint as amended continuously from said last-named date until the present time, and that they made a valid discovery of mineral, to wit, gypsum, upon said lands, in the year 1908; and that they have continuously occupied said lands from said date of location, and have continuously and uninterruptedly and industriously and diligently worked and developed the same in the discovery and production of oil, gas and petroleum, and that they were, on and prior to the 27th day of September, 1909, in the actual and diligent prosecution on said lands of work leading to the discovery of oil and gas thereon; and that they were, on said date, *bona fide* occupants and claimants of said lands and in the diligent prosecution of the work aforesaid, and thereafter continued in such prosecution of such work, to the discovery of oil and of gas on said lands; and that the said defendants and their assignors and predecessors in interest have held and worked the said lands as mining claims for a period equal to the time prescribed by the Statute of Limitations for mining claims of the State of California, in which state the said lands are located, to wit, for the period of five (5) years prior to the commencement of this

suit, without any adverse claim being made in or to the said lands, or to any part thereof; and that said defendants, by reason of the premises, are true and equitable owners of said lands and entitled to patent thereto from the Government of the United States, under the laws of the United States in that behalf made and provided.

XII.

This defendant states that it is without knowledge as to the present value of the lands described in said bill as amended. [110-A]

For a further, separate and distinct Answer and defense herein, this defendant alleges that heretofore, to wit, on the 16th day of January, 1912, the defendant Universal Oil Company entered into an agreement with this defendant for the sale and delivery by said Universal Oil Company to this defendant of five million (5,000,000) barrels of crude petroleum of forty-two (42) gallons each in bulk, to be produced from the following described lands, to wit:

From all of Section Thirty (S. 30), and all of Section Thirty-Two (S. 32) except the East Half (E. $\frac{1}{2}$) of the Northeast Quarter (NE. $\frac{1}{4}$) of said Section Thirty-Two (S. 32), in Township Twenty-Six South (T. 26 S.), Range Twenty-One East (R. 21 E.), M. D. B. & M.; also from the West Half (W. $\frac{1}{2}$); the West Half (W. $\frac{1}{2}$) of the West Half (W. $\frac{1}{2}$) of the Northeast Quarter (NE. $\frac{1}{4}$); the East Half (E. $\frac{1}{2}$) of the Northeast Quarter (NE. $\frac{1}{4}$) of the Northeast Quarter (NE. $\frac{1}{4}$), and the East Half (E. $\frac{1}{2}$) of the West Half (W. $\frac{1}{2}$) of the

Northeast Quarter (NE. $\frac{1}{4}$) of the Northeast Quarter (NE. $\frac{1}{4}$) of Section Five (S. 5), Township Twenty-Seven South (T. 27 S.), Range Twenty-One East (R. 21 E.), M. D. B. & M.

And this defendant, in and by said agreement, agreed to pay said Universal Oil Company for all petroleum delivered to this defendant under said agreement at the prices, per net barrel of forty-two (42) gallons, as hereinbelow stated, to wit:

For all oil of a gravity from and including 15 degrees Beaume, at a temperature of 60 degrees Fahrenheit, up to 22 degrees Beaume, at a temperature of 60 degrees, Fahrenheit, thirty (30¢) cents.

For all oil of a gravity from and including 22 degrees Beaume, at a temperature of 60 degrees Fahrenheit, up to 25 degrees Beaume, at a temperature of 60 degrees Fahrenheit, forty-five (45¢) cents.

For oil of a gravity of 25 degrees Beaume and over, at a temperature of 60 degrees Fahrenheit, fifty (50¢) cents.

And said respective prices were full, fair and adequate for oil of the respective gravities hereinabove specified, and were [111-A] the best prices obtainable for oil of said respective gravities at the time said agreement was entered into; and that said agreement was entered into freely and voluntarily by said Universal Oil Company, and that no higher prices could have been obtained for said oil even though all the lands from which same was to be produced, had been patented, or had said oil been pro-

duced, or if it were to be produced, from lands all of which were patented; and that, in fact, the lands embraced in section five (S. 5), township twenty-seven south (T. 27 S.), range twenty-one east (R. 21 E.), M. D. B. & M., in said agreement described, had been patented prior to the date on which said agreement was entered into; that at the time said agreement was entered into said Universal Oil Company represented to this defendant that it, said Universal Oil Company, then was, and for more than three years prior to said date had been, in the possession and entitled to the possession of the lands described in said agreement, which said lands included the land described in said bill of complaint as amended; and that said Universal Oil Company then was, and for a number of years prior thereto had been, entitled to extract, remove, sell and dispose of the petroleum contained in said lands and which might then and thereafter be produced therefrom, and that it had good title thereto; that this defendant believed said representations to be true, and relied thereupon, and but for such belief and reliance upon the said representations would not have entered into said agreement with said Universal Oil Company. That this defendant did not, at the time said agreement was entered into, or at any other time prior to the commencement of this suit, have any knowledge or notice that plaintiff claims that the lands described in the said Bill of Complaint as amended were affected by said Withdrawal [112-A] Order of September 27, 1909; or that said defendant Universal Oil Company, or its assignors, grantors,

lessors, or predecessors in interest, had not entered upon said lands until long subsequent to the 27th day of September, 1909, and not prior thereto; or that neither of the defendants Universal Oil Company or Lost Hills Mining Company, nor any person for them or under whom they claim was, at the date of said Order of Withdrawal of September 27, 1909, a *bona fide* occupant or claimant of said lands and in the diligent prosecution of work leading to the discovery of oil or gas; or that neither of said defendants, after beginning the prosecution of the work of drilling for oil and gas, continued in the diligent prosecution of said work until oil or gas was discovered; or that either of said defendants entered upon said lands, or prosecuted said work, in violation of the Order of Withdrawal of September 27, 1909, or that any act of either of said defendants, or of their assignors or predecessors in interest, was in violation of any law of the United States, or of any right of the plaintiff; and that this defendant has not, and at no time had, any knowledge or notice, other than that contained in said bill of complaint as amended, that any of said claims of plaintiff is, or are, true; and that, relying upon the said representations of said Universal Oil Company, and upon the said agreement, and without notice or knowledge of any of the claims of the plaintiff hereinabove mentioned or referred to, this defendant has, under and pursuant to the said agreement, for a valuable, adequate, and full consideration by this defendant fully paid to said Universal Oil Company, prior to the commencement of this suit, to wit, for the prices in

said agreement specified; in good faith, purchased and received from said Universal Oil Company a large quantity of petroleum, produced from the lands described in said agreement; but what portion thereof, [113-A] if any, was produced from the lands described in the said bill of complaint as amended, this defendant is unable to state. And this defendant further alleges that said defendants Lost Hills Mining Company and Universal Oil Company and their assignors and predecessors in interest, have been openly, peaceably, uninterruptedly, continuously, and exclusively in the possession and operation of the land described in said bill of complaint as amended, without any adverse claim being made to said land or any part thereof by the plaintiff, nor anyone else, for a period of time longer than that prescribed by the Statute of Limitations of the State of California for the commencement of actions for the recovery of real property, to wit, for a period of more than five (5) years prior to the commencement of this suit; and that by the long and unreasonable delay in the assertion of the claims set forth by the plaintiff in its bill of complaint as amended, and by the long and unreasonable delay of the plaintiff herein to sue, it was, and has been, and is, guilty of laches; and the alleged cause of action set forth by the plaintiff in its bill of complaint as amended, is barred thereby, and the plaintiff is estopped from maintaining, and it would be inequitable to permit plaintiff to maintain, this suit against this defendant, or to recover, or to permit plaintiff to recover, anything from this defendant.

For a further, separate and distinct answer and defense herein, this defendant alleges that said purported Bill in Equity as amended does not state facts sufficient to entitle plaintiff to the relief sought in and by its said bill, nor facts sufficient to give this Court jurisdiction in equity of plaintiff's claims therein urged. [114-A]

For a further, separate and distinct answer and defense herein, this defendant alleges that there is a misjoinder of parties defendant herein, in this: that this defendant is improperly joined with the defendants Lost Hills Mining Company and Universal Oil Company.

For a further, separate and distinct answer and defense herein, this defendant alleges that plaintiff has a plain, speedy, and adequate remedy at law, by an action in ejectment, or by an action for conversion; and that this suit should have been brought as an action on the law side of this Honorable Court, and that it should be transferred to the law side and be there proceeded with.

For a further, separate and distinct answer and defense herein, this defendant alleges that this Court is without jurisdiction of the subject matter of this suit, and that this Court has no jurisdiction to try and determine any of the matters set forth in said bill of complaint as amended; and that it has no jurisdiction to try and determine the title to the lands described in said bill of complaint as amended, or the right to possession of said lands; and, particularly, no jurisdiction to try and determine the estate, right, title, interest, or claim of the defend-

ants Lost Hills Mining Company and Universal Oil Company in and to said lands or any part thereof, or in or to any mineral, or minerals, or mineral deposits contained in or under said lands or any part thereof; or the right of said defendants to extract petroleum, gas, or other minerals from said lands, or the right of said defendants to dispose of the petroleum, gas, or other minerals removed or extracted by them from said lands or any part thereof; and in this behalf this defendant alleges upon and according to its information and belief, that on the 13th day of February, 1907, the lands described in said bill of complaint as [115-A] amended, were public mineral lands of the United States, subject to location and purchase under the laws of the United States relating to the sale and disposition of lands commonly known as "Placers"; and, on or about said date, eight persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in the county of Kern, State of California, duly located the northwest quarter (NW. $\frac{1}{4}$) of section thirty (Sec. 30), township twenty-six south (T. 26 S.), range twenty-one east (R. 21 E.), M. D. B. & M., as the "Lost Hill Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the Office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 240; and that, on or about the 14th day of February, 1907, eight other persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose

of acquiring title to oil lands in said county of Kern, duly located the southeast quarter (SE. $\frac{1}{4}$) of said section thirty (Sec. 30), as the "Signal Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 293; and that, on or about said 14th day of February, 1907, eight other persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in said county of Kern, duly located the northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (Sec. 32), township twenty-six south (T. 26 S.), range twenty-one east (R. 21 E.), M. D. B. & M., as the "Petroleum Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the office [116-A] of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 292; and that, on or about said 14th day of February, 1907, eight other persons, each being then a citizen of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in said county of Kern, duly located the northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (Sec. 32), as the "Eagle Placer Mining Claim," and recorded notice of location thereof on the 23d day of February, 1907, in the office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 287; and that, on or about said 14th day of February, 1907, eight other persons, each being then a citizen

of the United States and all having theretofore associated themselves together for the purpose of acquiring title to oil lands in said county of Kern, duly located the southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (Sec. 32), as the "Judge Placer Mining Claim," and recorded Notice of Location thereof on the 23d day of February, 1907, in the office of the County Recorder of said county of Kern, in Book 40 of Mining Records, at page 288; and that thereafter, on the 18th day of March, 1909, the several locators of the northwest quarter (NW. $\frac{1}{4}$) and of the southeast quarter (SE. $\frac{1}{4}$) of section thirty (Sec. 30), and of the northwest quarter (NW. $\frac{1}{4}$), the northeast quarter (NE. $\frac{1}{4}$) and southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (Sec. 32), conveyed all of their respective rights, title, and interest in and to said several quarter sections to the defendant Lost Hills Mining Company; and that ever since said 18th day of March, 1909, said Lost Hills Mining Company has claimed to be the owner of said several quarter sections, openly and notoriously, and during said time has held said lands and caused the same to be worked and developed for their minerals; that on the 18th day of November, 1911, said Lost [117-A] Hills Mining Company made Mineral Entry of said northwest quarter (NW. $\frac{1}{4}$) of said section thirty (Sec. 30) in the United States Land Office at Visalia, California, its Serial Number 03431, under and pursuant to the provisions of section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the Regulations promulgated by the Secretary of

the Interior under and pursuant to the provisions of said section of the Revised Statutes of the United States; notice of said Mineral Entry was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on the 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said northwest quarter (NW. $\frac{1}{4}$) of said section thirty (Sec. 30), which contains one hundred sixty-one and *eight*-five hundredths (161.85) acres, said payment amounting to the sum of Four Hundred and Five (\$405.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,643, on said last-mentioned date; that on said 18th day of November, 1911, said Lost Hills Mining Company made Mineral Entry of the southeast quarter (SE. $\frac{1}{4}$) of said section thirty (Sec. 30) in the United States Land Office at Visalia, California, its Serial Number 03432, under and pursuant to the provisions of Section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior [118-A] under and pursuant

to the provisions of said section of the Revised Statutes of the United States; and notice of said mineral entry was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said southeast quarter (SE. $\frac{1}{4}$) of said section thirty (Sec. 30), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,644, on said last-mentioned date; that on the 25th day of November, 1911, said Lost Hills Mining Company made Mineral Entry of the northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (Sec. 32) in the United States Land Office at Visalia, California, its Serial Number 03448, under and pursuant to the provisions of Section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior under and pursuant to the provisions of said section of the Revised Statutes of the

United States; that notice of said Mineral Entry was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, [119-A] having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said northwest quarter (NW. $\frac{1}{4}$) of said section thirty-two (Sec. 32), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,645, on said last-mentioned date; that on the 2d day of December, 1911, said Lost Hills Mining Company made mineral entry of the northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (Sec. 32) in the United States Land Office at Visalia, California, its Serial Number 03457, under and pursuant to the provisions of section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior under and pursuant to the provisions of said section of the Revised Statutes of the United States; that notice of said mineral en-

try was given by said Lost Hills Mining Company in all respects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said [120-A] plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said northeast quarter (NE. $\frac{1}{4}$) of said section thirty-two (Sec. 32), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of the United States Land Office at Visalia issued his final receipt therefor, Number 679,646, on said last-mentioned date; that on said 2d day of December, 1911, said Lost Hills Mining Company made mineral entry of the southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (Sec. 32) in the United States Land Office at Visalia, California, its Serial Number 03459, under and pursuant to the provisions of section 2332 of the Revised Statutes of the United States and Rules 74 to 77, inclusive, of the regulations promulgated by the Secretary of the Interior under and pursuant to the provisions of said section of the Revised Statutes of the United States; that notice of said mineral entry was given by said Lost Hills Mining Company in all re-

spects as required by law and the Rules and Regulations of the Department of the Interior; and on said 24th day of February, 1912, said Lost Hills Mining Company, having theretofore complied in every respect with the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," and with all of the Rules and Regulations promulgated thereunder by the Department of the Interior, paid to the United States, the plaintiff in this suit, and said plaintiff accepted without objection or protest of any kind, the sum of Two Dollars and Fifty Cents (\$2.50) per acre for said southwest quarter (SW. $\frac{1}{4}$) of said section thirty-two (Sec. 32), which contains one hundred and sixty (160) acres, said payment amounting to the sum of Four Hundred (\$400.00) Dollars; and the Receiver of [121-A] the United States Land Office at Visalia issued his final receipt therefor, Number 679,648, on said last-mentioned date. That each and all of said applications for patent are now, and were at the time of the commencement of this action, pending before the Department of the Interior of the United States, in the General Land Office thereof; that the Commissioner of the General Land Office has not made nor rendered any decision upon said applications for patent, or upon any of them; nor has the Secretary of the Interior made nor rendered any decision upon said applications for patent, or upon any of them; and that said applications have been, ever since said 24th day of February, 1912, and now are, pending and undetermined before the Commissioner of the General Land Office; that

all of the matters sought to be tried and determined in this suit are under the exclusive control and jurisdiction of the Honorable Secretary of the Interior of the United States and the Honorable Commissioner of the General Land Office of the United States, and that this Court has no jurisdiction to interfere with the exercise of said exclusive control and jurisdiction of the said Secretary of the Interior and the said Commissioner of the General Land Office, or to proceed with the hearing of this suit while said applications for patent are pending; and that, under the laws of the United States relating to the sale and disposition of its mineral lands, commonly called "Placers," the only tribunal invested with power to hear and determine the matters set forth in plaintiff's bill of complaint as amended, is the General Land Office of the United States.

WHEREFORE, this defendant prays that this suit be dismissed, and that if not dismissed, it be forthwith transferred to the law side of this Honorable Court, and there proceeded with, [122-A] with only such alteration in the pleadings as shall be essential; and that plaintiff take nothing by this suit as against this defendant; and that this defendant recover its costs herein.

EDMUND TAUSZKY,

Solicitor for Defendant Associated Oil Company.

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

J. P. Edwards, being first duly sworn, deposes and says: That he is an officer, to wit, Assistant Secre-

tary, of Associated Oil Company, one of the defendants in the within entitled suit, and as such officer, makes this affidavit on behalf of said defendant:

That he has read the foregoing Answer and knows the contents thereof; that the same is true of his own knowledge, except as to the matters which are therein stated on information or belief, and as to those matters, that he believes it to be true.

J. P. EDWARDS.

Subscribed and sworn to before me, this 17th day of June, 1916.

[Seal]

RITA JOHNSON,

Notary Public in and for the City and County of
San Francisco, State of California. [123-A]

[Endorsed]: No. A-52—In Equity. United States District Court, Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, Defendants. Answer of Associated Oil Company to Bill of Complaint as Amended. Receipt of copy of within Answer is hereby admitted, this 17th day of June, 1916. E. J. Justice, Jas. W. Wither, Special Assistants to the Attorney General, Solicitors for Plaintiff. Filed June 19, 1916. Wm. M. Van Dyke, Clerk. By R. S. Zimmerman, Deputy Clerk. Edmund Tauszky, Attorney for Defendant, Associated Oil Company, Sharon Building, San Francisco, California. [124-A]

*In the District Court of the United States for the
Southern District of California, Northern Divi-
sion, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL
OIL COMPANY and ASSOCIATED OIL
COMPANY,

Defendants.

**Notice of Motion to have the Jurisdictional Defense
of the Defendants Separately Heard and Dis-
posed of.**

To United States of America, Plaintiff Above
Named:

You will please take notice that the defendants, the Lost Hills Mining Company, a corporation, and the Universal Oil Company, a corporation, will move before the Honorable, the United States District Court for the Southern District of California, at the courtroom of said court, in the Federal Building, at Los Angeles, California, on Monday, the 26th day of June, 1916, at 10:00 A. M., or as soon thereafter as counsel may be heard in the above-entitled cause, for an order to the effect that the jurisdictional defense of the defendants in the above-entitled action may be separately heard and disposed of on the 31st day of July, 1916, in said court, when

said court is convened, or as soon thereafter as counsel may be heard; and that said jurisdictional defense may be separately heard and disposed of before the trial of the principal case in this action and before the hearing and [125-A] trial upon any other motions or proceedings in this case. Said motion will be based on Rule 29 and the other pertinent rules of the Rules of Practice for the Court of Equity of the United States, as promulgated and defined by the Honorable, the Supreme Court of the United States of America, and upon the complaint and answer of said defendants on file herein, and particularly upon the further and separate answer of said defendants raising the question of the jurisdiction of this Honorable Court on file herein; said motion will be further made and presented upon the ground that the equitable, expeditious, proper and orderly disposal of this action requires that this Honorable Court shall first determine whether or not it has any jurisdiction over the subject matter involved in this suit or of the defendants.

You will please further take notice that said hearing and disposal of said jurisdictional defense of the said defendants will be based upon all of the pleadings in the above-entitled action and upon proofs of the allegations set up in the answer of the said defendants, to be introduced by the said defendants at said hearing, and upon affidavits and oral testimony and upon the records in the United States Land Office, and their various departments in San Francisco, California, Visalia, California, and Washington, D. C., all of which, or so much thereof as may

be necessary, are to be presented and introduced at said hearing.

JOSEPH D. REDDING,

MORRISON, DUNNE & BROBECK,

Attorneys for said Defendants, Lost Hills Mining Company et al.

Received copy this 23d day of June, 1916.

E. J. JUSTICE,

A. E. CAMPBELL,

FRANK HALL,

Solicitors for Plaintiff. [126-A]

[Endorsed]: In Equity—A-52. In the District Court of the United States, for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company and Associated Oil Company, Defendants. Notice of Motion to have the Jurisdictional Defense of the Defendants Separately Heard and Disposed of. Filed June 26, 1916. Wm. M. Van Dyke, Clerk. T. F. Green, Deputy. Joseph D. Redding, Attorney for Defendants, 411-417 Crocker Building, San Francisco, California. Earl H. Pier. [127-A]

*In the District Court of the United States for the
Southern District of California, Northern Divi-
sion, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL
OIL COMPANY and ASSOCIATED OIL
COMPANY,

Defendants.

**Notice of Motion for Restraining Order and
Receiver.**

To Lost Hills Mining Company, Universal Oil Com-
pany and Associated Oil Company:

You, and each of you, will take notice that the plaintiff, the United States of America, will move, before the United States District Court for the Southern District of California, and the Judge thereof, Honorable B. F. Bledsoe, United States District Judge, at the courtroom of the said court in the Federal Building, at Los Angeles, California, on Monday, the 19th day of June, 1916, at 10 o'clock A. M., in the above-entitled cause, for the granting of an order restraining you, and each of you, your officers, agents, servants, and attorneys, from taking or moving from the said premises described in the bill of complaint herein, any of the mineral oil or petroleum deposited therein, or any of the gas in or

under said land, and from committing in any manner any trespass or waste upon any of said land, or with reference to any of the minerals deposited therein, pending the disposition of the said cause or the further order of this Court. [128-A]

And you, and each of you, will further take notice that the plaintiff, the United States of America, will then and there move the said court, and the Judge thereof, in the above-entitled cause for the granting of an order appointing a receiver for the property described in the bill of complaint herein, and operated by you, and each of you, and for the oil and petroleum heretofore extracted from said land, to be dealt with by the receiver in such manner as to the Court may seem proper.

The above motions will be submitted upon the verified bill of complaint on file herein, affidavits, records, documents, oral testimony, and a certified copy of the following depositions and testimony filed in that certain proceeding pending before the register and receiver of the United States Land Office, at Visalia, California, entitled:

“Department of the Interior, United States Land Office, Visalia, California, before the Register and Receiver, United States vs. Lost Hills Mining Company, involving mineral applications numbers 03431, 03432, 03448, 03457, 03459, Visalia, California Land District,”

to wit, the deposition and testimony of Orlando D. Barton, taken on February 28, 1916, before the register and receiver of the United States Land Office, at Visalia, California; the deposition and testimony

of L. E. Prestage, taken before the Register and Receiver of the United States Land Office, at Visalia, California, on April 19, 1916; the depositions of H. E. Covey and W. L. McLaine taken before T. F. Allen, Notary Public, at Bakersfield, California, on April 18, 1916, and the deposition of Geo. A. Coffey, taken before L. B. Hayhurst, Notary Public, at Fresno, California, on April 20, 1916. [129-A]

Dated this, the 10th day of June, 1916.

E. J. JUSTICE,

FRANK HALL,

A. E. CAMPBELL,

Solicitors for the Plaintiff, United States of America.

[Endorsed]:

(RETURN ON SERVICE OF WRIT.)

United States of America,

Northern District of California,—ss.

I hereby certify and return that I served the within notice of motion for restraining order and receiver, on Edmund Tauszky, and Jos. D. Redding, each by handing to and leaving a true and correct copy thereof with, Edmund Tauszky, and Jos. D. Redding, each personally at the City and County of San Francisco, California, in said District on the 12th day of June, A. D. 1916.

J. B. HOLOHAN,

United States Marshal.

By I. W. Grover,

Office Deputy.

In Equity—No. A-52. In the District Court of the United States, Ninth Circuit, for the Northern Div. of California. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company and Associated Oil Company, Defendants. Notice of Motion for Restraining Order and Receiver. Filed Jun. 26, 1916. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer, Deputy Clerk. E. J. Justice, Frank Hall, A. E. Campbell, Solicitors for the Plaintiff, United States of America. [130-A]

At a Special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the City of San Francisco, California, on Friday, the twenty-eighth day of July, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,
vs.

LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—July 28, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be set down for hearing on the motion of complainant for a restrain-

ing order and also on the application of complainant for the appointment of a receiver; E. J. Justice, Esq., A. E. Campbell, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Joseph D. Redding, Esq., appearing as counsel for defendants Lost Hills Mining Company et al.; I. Benjamin, one of the official shorthand reporters of this Court, being present and acting as such; good cause appearing therefor, it is ordered that this cause be, and the same hereby is continued until Tuesday, the 15th day of August, 1916, at 10 o'clock A. M., for the setting of the same down for said hearing, to be called for the same at San Francisco, California, before Honorable Robert S. Bean, U. S. District Judge.

[131-A]

*In the District Court of the United States, in and for
the Southern District of California, Northern
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL
OIL COMPANY and ASSOCIATED OIL
COMPANY,

Defendants.

**Notice of Motion for Hearing of Motion for
Appointment of Receiver, etc.**

To the United States of America, Plaintiff in the
Above-entitled Action, and to E. J. Justice and
Frank Hall, Its Attorneys:

YOU AND EACH OF YOU WILL PLEASE
TAKE NOTICE that on Tuesday, the 15th day of
August, 1916, at the hour of ten o'clock A. M., or as
soon thereafter as counsel can be heard at the Fed-
eral Building in the city and county of San Fran-
cisco, California, Lost Hills Mining Company and
Universal Oil Company, defendants in the above-
entitled suit, will move the Court to continue the
hearing of the motion for the appointment of a Re-
ceiver and for a temporary injunction and on the
jurisdictional defense interposed and set up by the
said defendants, until Monday, the 28th day of
August, 1916, at the hour of ten o'clock A. M., or to
such other time as may by the Court be deemed
proper under the circumstances.

Said motion will be based and heard upon the files
herein and upon the affidavit of R. L. McWilliams,
one of the solicitors for said defendants, a copy of
which is hereto attached and made a part hereof.

JOS. D. REDDING,
MORRISON, DUNNE & BROBECK,
Solicitors for said Defendants. [132-A]

*In the District Court of the United States, in and for
the Southern District of California, Northern
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVERSAL
OIL COMPANY, and ASSOCIATED OIL
COMPANY,

Defendants.

**Affidavit of R. L. Williams in Support of Motion for
Hearing of Motion for Appointment of Re-
ceiver, etc.**

State of California,

City and County of San Francisco,—ss.

R. L. McWilliams, being first duly sworn, deposes
and says:

That he is one of the solicitors for Lost Hills Min-
ing Company and Universal Oil Company, defend-
ants in the above-entitled action.

That on July 28, 1916, the above-entitled Court
set down the motion for the appointment of a Re-
ceiver and the motion for a temporary injunction
for hearing on August 15, 1916; that as affiant is in-
formed and believes, and therefore alleges the fact
to be, on said day and at the time the said matters
were set down for hearing, as aforesaid, Mr. Joseph
D. Redding, one of the solicitors for the said de-

fendants, informed the Court that he had theretofore served notice that the said defendants desired to take the depositions of several witnesses in Washington, including the deposition of the Commissioner of the General Land Office and the Secretary of the Interior of the United States [133-A] with particular reference to the jurisdiction of this court to hear the above-entitled suit, or to determine any of the issues therein pending proceedings in the Land Department of the United States, and that it might be that he would not complete the taking of the said depositions in time to enable him to be in San Francisco on the said 15th day of August, 1916.

That thereafter and on or about the 10th day of August, 1916, affiant received from the said Joseph D. Redding a telegram sent from Washington, D. C., in which the said Joseph D. Redding stated that he had sent a telegram to E. J. Justice, one of the solicitors for the plaintiff herein, stating that he was proceeding with the taking of the depositions above referred to, and that it would undoubtedly take until the middle of the following week before he could finish the taking of said depositions, and that he would thereby be precluded from reaching San Francisco before the 20th of August, 1916; that this would necessitate the hearing above referred to being postponed about one week; that the evidence that he was obtaining, and seeking to obtain by said depositions goes to the question of the jurisdiction of the Court, the right of the plaintiff herein to an injunction and to the question of the measure of damages; that upon the receipt of the said telegram

affiant communicated with the said E. J. Justice and was informed that he had taken the matter up with Judge Bean who was to preside at the hearing of the said motions;

That the said Joseph D. Redding is one of the solicitors for the said defendants in the above-entitled suit, and that it would not be safe for said defendants to proceed with the hearing of the said matters until the return of the said Joseph [134-A] D. Redding to San Francisco, and until the arrival of the depositions above referred to.

R. L. McWILLIAMS.

Subscribed and sworn to before me this 14th day of August, 1916.

[Seal]

W. W. HEALEY,

Notary Public in and for the City and County of San Francisco, State of California.

[Endorsed]: No. A-52—In Equity. United States District Court, Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company et al., Defendants. Notice of Motion of Defendants and Affidavit of R. L. McWilliams in Support of Motion for Continuance of Hearing of Plaintiff's Motion for Temporary Injunction, Appointment of a Receiver and Jurisdictional Question. Receipt of a copy of the within Notice of Motion is hereby admitted this 14th day of August, 1916, at 3:55 P. M. E. J. Justice, A. E. Campbell, Frank Hall, Attorneys for Plaintiff. Filed San Francisco, Aug. 15, 1916. Wm. M. Van Dyke, Clerk. T. F. Green, Deputy. Joseph D. Redding, Morri-

son, Dunne & Brobeck, Crocker Building, San Francisco, Cal., Attorneys for said Defendants. [135-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the fifteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 15, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be heard on complainants' motion for a restraining order, and also to be heard on an application for the appointment of a receiver; Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; R. L. McWilliams, Esq., appearing on behalf of Joseph D.

Redding, Esq., also of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Edmund Tauszky, Esq., appearing as counsel for defendant Associated Oil Company; John P. Doyle, one of the shorthand reporters of this court, being present and acting as such; and it appearing that defendants have moved the Court for an order continuing this cause for said hearing; and said motion for a continuance having been argued, in support thereof, by R. L. McWilliams, Esq., appearing as aforesaid on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company et al., and by Peter F. Dunne, Esq., of counsel for defendants Lost Hills [136-A] Mining Company, and in opposition thereto by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is by the Court ordered that this cause be, and the same hereby is continued for said hearing until Wednesday, the 16th day of August, 1916, at 10 o'clock A. M. [137-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Wednesday, the sixteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—August 16, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be heard on defendants' motion for a continuance of this cause for hearing on complainants' motion for a restraining order and an application for the appointment of a receiver herein; Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl R. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; John P. Doyle, one of the official shorthand reporters of this court, being present and acting as such; and said motion for continuance having been argued, in support thereof, by Earl R. Pier, Esq., and R. L. McWilliams, Esq., appearing as aforesaid on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, and by Peter F. Dunne, Esq., of counsel for said defendants Lost Hills Mining Company and Universal Oil Company, and in

opposition thereto by Frank [138-A] Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is by the Court ordered that this cause be, and the same hereby is continued for hearing on said motion for injunction and application for appointment of receiver until Monday, the 21st day of August, 1916, at 10 o'clock A. M. [139-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Friday, the eighteenth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,
vs.
LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—August 18, 1916—Hearing on
Motion for Restraining Order, etc.**

Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having announced that counsel for the respective

parties have consented thereto, it is ordered that for the taking of certain testimony and for hearing on motion for injunction *pendente lite* and application for appointment of receiver this cause be, and the same hereby is continued until Monday, the 21st day of August, 1916, at 10 o'clock A. M. [140-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Monday, the twenty-first day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. 52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—August 21, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also coming on to be further heard on an application for the appointment of a receiver, E. J. Justice, Esq., Frank Hall, Esq., and A. E. Campbell, Esq.,

Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; Edmund Tauszky, Esq., appearing as counsel for defendant Associated Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., having on behalf of all the defendants, objected to any further proceedings in the hearing of the motion for temporary injunction and application for appointment of a receiver until the determination [141-A] of a question as to the jurisdiction of this court, thereupon, on motion of said counsel for defendants, and with the consent of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, it is ordered that said jurisdictional question be now heard, and that in the meantime said motion for injunction and application for appointment of a receiver remain in *statu quo*; and it is further ordered, on motion of Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., and with the consent in open court of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, that all proceedings, evidence and argument in the hearing of a similar jurisdictional

question in cause No. A-37—Equity, The United States of America, Complainants, vs. Devil's Den Consolidated Oil Company et al., Defendants, shall apply to, and be considered in connection with the jurisdictional question in this cause; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having presented a stipulation of counsel herein, it is ordered that said stipulation be filed herein and also in causes Nos. A-37—Equity and A-57—Equity; and said jurisdictional question having been argued in connection with the argument of a similar jurisdictional question in cause No. A-37—Equity, aforesaid, in opposition to the jurisdiction of the court herein, by R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company et al., and by Peter F. Dunne, Esq., of counsel for said defendants Lost Hills Mining Company et al., and in support of the jurisdiction of the Court by Frank Hall, Esq., and E. J. Justice, Esq., Special Assistants to the U. S. Attorney General, of counsel for the United States; it is, at the hour of 5 o'clock P. M., ordered that this cause be, and the same hereby is continued for further hearing until Tuesday, the 22d day of August, 1916, at 10 o'clock A. M. [142-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the twenty-second day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 22, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on a jurisdictional question; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official short-

hand reporters of this court, being present and acting as such; and said jurisdictional question having been further argued, in opposition to the jurisdiction of this Court herein, by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., and in support of said jurisdiction by E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is ordered that this cause be, and the same hereby is submitted to the Court for its consideration and decision on said jurisdictional [143-A] question, and the argument thereof; thereupon, on motion of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, and over the objection of Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company et al., it is ordered that, at the hour of 2 o'clock P. M., of this day, the Court shall proceed with the further hearing of the motion for a temporary injunction and the application for the appointment of a receiver; and Court, at the hour of 12:15 o'clock P. M., having taken a recess until the hour of 2 o'clock P. M., of this day; and court, at the hour of 2 o'clock P. M., having reconvened; and counsel and shorthand reporter being present as before; except that E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, does not now appear as one of complainants' counsel; and counsel for the United States having announced that the Government is ready to proceed with the further hearing of complainants' motion for a temporary injunction and the application for the appointment of a receiver, and Peter F. Dunne, Esq., and R. L. Mc-

Williams, Esq., appearing as aforesaid as counsel for defendants Lost Hills Mining Company et al., having renewed the objection to proceeding with the hearing at this time, and the Court having overruled the objection and ordered that the said hearing proceed, to which ruling of the Court, on motion of said counsel for defendants, and by direction of the court, exceptions are hereby noted herein on behalf of defendants; it is further ordered that all testimony and proceedings herein shall apply and be considered also on the hearing of a similar motion and application in each of the cases Nos. A-37—Equity and A-57—Equity, so far as applicable; and the deposition of Joseph Jansen, taken pursuant to the stipulation of counsel, before J. D. Brown, notary public, having been offered by counsel for the Government, it is ordered that said deposition be opened, and filed herein and also in causes Nos. A-37—Equity [144-A] and A-57—Equity; and said deposition of Joseph Jansen having been read to the Court by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; and, in connection with said deposition, certain exhibits having been offered and admitted in evidence on behalf of the United States, to wit: Plffs. Ex. "A," plat, sectional, of San Joaquin Valley, showing gypsite deposits, etc.; Plffs. Ex. "B," Circular No. 111, of December, 1913, issued by University of California, on the use of lime and gypsum, etc.; Plffs. Ex. "C," sketch, showing gypsum occurrences, etc.; Plffs. Ex. "D," map or plat, showing various methods of sampling; Plffs. Ex. "E," plat showing "Signal Placer," in SE. 1/4 of Sec.

30, Tp. 26 S. R. 21 E.; Plffs. Ex. "F," plat showing gypsite, etc., at "Cd," on N. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of SE. $\frac{1}{4}$ of Sec. 30, Tp. 26 S. R. 21 E.; Plffs. Ex. "G," plat showing "Lost Hills Placer," on NW. $\frac{1}{4}$ of Sec. 30-26-21-; Plffs. Ex. "H," plat showing "Petroleum Placer" on NW. $\frac{1}{4}$ of Sec. 32-26-S. 21-E; Plffs. Ex. "I," plat showing "Eagle Placer," on NE. $\frac{1}{4}$ of Sec. 32-26-21-E; Plffs. Ex. "J," plat showing "Judge Placer," on SW. $\frac{1}{4}$ of Sec. 32-26 S.-R. 21 E; Plffs. Ex. "K," copy of assayer's certificate, Smith, Emery & Co., of Dec. 8, 1914; Plffs. Ex. "L," copy assayer's certificate, H. Coffman, of March 16, 1916; Plffs. Ex. "M," eleven (11) photographs, illustrating certain characteristics of gypsum, character land, etc., with legends attached; and the depositions of Orlando D. Barton, taken before the Register and Receiver of the U. S. Land Office at Visalia, Cal., on February 28, 1916, with certificate attached of said Register and Receiver, having been offered by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, it is ordered that said deposition be opened and filed in this cause and causes Nos. A-37—Equity and A-57—Equity; and said deposition of Orlando D. Barton having been read to the [145-A] Court by said counsel for the Government; and the depositions of George A. Coffey, taken before L. B. Hayhurst, Notary Public, at Fresno, Cal., on April 20, 1916, same having been taken pursuant to stipulations, and having a certificate attached of the Register and Receiver of the U. S. Land Office at Visalia, California, having been offered by said counsel for the Government, it is

ordered that same be opened, and filed in this cause and in causes Nos. A-37—Equity and A-57—Equity; and said depositions having been read to the Court by said counsel for the Government; it is, at the hour of 5:05 o'clock P. M., ordered that this cause be, and the same hereby is continued for further hearing until Wednesday, the 23d day of August, 1916, at 10 o'clock A. M. [146-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the court room thereof, in the city of San Francisco, California, on Wednesday, the twenty-third day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,
vs.

LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—August 23, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application

for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, or counsel for the United States, having offered a copy of depositions of W. L. McLaine and H. E. Covey, taken before T. F. Allen, Notary Public [147-A] at Bakersfield, California, on April 18, 1916, for use in the U. S. General Land Office, with certificate attached of the Register and Receiver of the U. S. Land Office at Visalia, California, which depositions are admitted in evidence and read to the Court by said counsel for the United States; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having offered copy of depositions of L. E. Prestage, taken before the United States Land Office at Visalia, California, with certificate attached, of Frank Laning, Register of said Land Office, which depositions are admitted in evidence and read to the Court by said counsel for the United States; and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having offered the following affidavits, which are ad-

mitted in evidence herein on behalf of the United States, and was read to the Court by said counsel for the Government, to wit: Affidavit of Orlando D. Barton, taken before J. S. Clack, Notary Public, on October 19, 1915; affidavit of J. H. Favorite, taken before T. L. Baldwin, Deputy Clerk of the U. S. District Court for the Northern District of California, on June 9, 1916; and two affidavits of C. L. McDonald, taken before A. H. Thomas, Notary Public, on August 10, 1916; and J. G. Dean and D. A. Mulvane, having respectively been called and sworn as witnesses on behalf of the United States, and having given their testimony; and, after a recess of court from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having been again called for further hearing, and counsel and shorthand reporter being present as before; and D. A. Mulvane, a witness on behalf of the United States, having again taken the stand for further examination, and having given his testimony; and P. A. English and Silas F. Gillan having [148-A] respectively been called and sworn as witnesses on behalf of the United States, and having given their testimony; and in connection with the testimony of the last-named witness, the Government having offered an exhibit, which is admitted in evidence in its behalf, to wit: Plffs. Ex. "N," Copy of proof of labor performed on Sec. 30, Tp. 26 S., R. 21 E., M. D. M., as recorded in the recorder's office of Kern County, California; it is, at the hour of 4 o'clock P. M., ordered that this cause be, and the same hereby is continued for further hearing until Thurs-

day, the 24th day of August, 1916, at 10 o'clock A. M.
[149-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Thursday, the twenty-fourth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,
vs.

LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—August 24, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; Peter

F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; it is, on motion of Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, ordered that the amended bill of complaint in this cause shall be considered as part of the evidence, etc., on this hearing; and complainants having offered an exhibit, which [150-A] is admitted in evidence in their behalf, to wit, Plffs.' Ex. "O," Oil statement of Devil's Den Consolidated Oil Company, January, 1912, to September, 1915; and the Government having rested on this hearing; thereafter it is ordered that this cause be, and the same hereby is continued until Friday, the 25th day of August, 1916, at 10 o'clock, A. M., for further hearing. [151-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Friday, the twenty-fifth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,
vs.

LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—August 25, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application for the appointment of a receiver; E. J. Justice, Esq., Special Assistant to the U. S. Attorney General, and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company; and Peter F. Dunne, Esq., also appearing as counsel for said defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and, after a recess of court from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having again been called for said hearing, and counsel and shorthand reporter being present as before; and W. B. Wallace, heretofore sworn as a witness on behalf of [152-A] defendants in cause No. A-37—Equity,

The United States of America, Complainants, vs. Devil's Den Consolidated Oil Company et al., Defendants, having been called as a witness on behalf of defendant Lost Hills Mining Company, and having been examined by Joseph D. Redding, Esq., now also appearing as of counsel for said defendant Lost Hills Mining Company, and having given his testimony; and, in connection with the testimony of said witness, defendant Lost Hills Mining Company having offered two exhibits, which are admitted in evidence in its behalf, to wit: Deft. Lost Hills Mg. Co., Ex. "A," Affidavit of Chas. W. Barrett, with exhibit attached, taken on 6/22/16, before W. W. Healey, Notary Public; and Deft. Lost Hills Mg. Co. Ex. "B," Copy Map, Lost Hills and Devil's Den Oil Fields, by J. R. Thornton, of September, 1913; and Peter F. Dunne, Esq., of counsel for defendant Lost Hills Mining Company and Universal Oil Company, having offered two exhibits, which are admitted in evidence on behalf of defendants, to wit: Defts. Ex. "Z," pages 261 to 270, from "Mineral Resources of the United States," 1914; and Defts. Ex. "Z-1," diagram on page 262, volume 2, of "Mineral Resources of the United States," 1914; and R. L. McWilliams, Esq., appearing on behalf of Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having offered certain affidavits, which are admitted in evidence and by said counsel read to the court, to wit: Defts. Ex. "C," Affidavit of Chas. W. Barrett, with exhibits attached, taken on 6/22/1916 before W. W. Healey, Notary Public; Defts. Ex. "D," affi-

affidavit of Samuel F. B. Morse, taken on 8/25/1916 before R. B. Trask, Notary Public; and Defts. Ex. "E," affidavit of Geo. T. Cameron, taken on 7/21/1916 before W. W. Healey, Notary Public; it is, at the hour of 4.25 o'clock P. M., ordered that this cause be, and the same hereby is continued until Monday, the 28th day of August, 1916, at 10 o'clock A. M., for further hearing. [153-A]

At a special January Term A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Monday, the twenty-eighth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,
Complainants,

vs.

LOST HILLS MINING COMPANY et al.,
Defendants.

**Minutes of Court—August 28, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction, and also to be further heard on an application

for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistants to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., R. L. McWilliams, Esq., Peter F. Dunne, Esq., and Joseph D. Redding, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Joseph D. Redding, Esq., of counsel for defendants as aforesaid, having presented and offered as a part of defendants' defense on motion for injunction *pendente lite* the answer of all defendants to the bill of complaint, and having in part read said answer to the Court, and the reading of said answer having, by stipulation of counsel for the respective parties, been interrupted for the purpose of introducing certain testimony herein; and W. O. Todd [154-A] having been called and sworn as a witness on behalf of defendants on this hearing, and having given his testimony; and Roy A. Bishop, a witness on behalf of defendants, having been recalled for further examination, and having given his testimony; and, in connection with the testimony of said witness, defendants having offered certain exhibits, which are admitted in evidence in their behalf, to wit: Defts. Ex. "A-2" (there being no exhibit marked "A-1"), blue-print, Universal Oil Company, oil pipe-lines, drawn on 3/1/1914, by R. B. M., pipe-line located on Sec. 32-26-21; Defts. Ex. "A-3," blue-print, Universal Oil Company, gas pipe-lines, drawn on 3/1/1914, by R. B. M., pipe-lines located

on Sec. 32-26-21; Defts. Ex. "A-4," blue-print, Universal Oil Company, water pipe-lines, drawing by R. B. M., on 3/1/1914, pipe-lines located on Sec. 32-26-21; Defts. Ex. "A-5", Statement marked "Lost Times Record in Hours, Devil's Den Consolidated Oil Company, 6 Months Ending June 30, 1916"; and Defts. Ex. "A-6," Statement marked "Lost Time Record, Universal Oil Company, Six Months Ending June 30, 1916"; and, after a court recess from the hour of 12:05 o'clock P. M., until the hour of 2 o'clock P. M., of this day, this cause having been again called for further hearing, and counsel and shorthand reporter being present as before; and Roy A. Bishop, a witness on behalf of defendants, having again taken the stand for further examination, and having given his testimony; and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having resumed and concluded the reading to the Court of the answer of all defendants to the bill of complaint; and Earl H. Pier, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having read to the Court the affidavit of Geo. T. Cammeron, [155-A] heretofore filed herein as Defts. Ex. "E"; and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having read to the Court the affidavits of Jas. H. Butts and J. D. Martin, and the supplemental affidavits of Chas. W. Barrett and Orlando D. Barton, concerning which counsel for the respective parties stipulate in open court that same may be considered as part of the

defense of defendants and copies may be filed herein later; and said counsel having read to the court on behalf of defendants the affidavit of R. A. Morton, which is to be considered in this case, pursuant to the stipulation of counsel, same being Exhibit "B" in case No. A-57—Equity; it is, at the hour of 4:35 o'clock P. M., by the Court ordered that this cause be, and the same hereby is continued for further hearing until Tuesday, the 29th day of August, 1916, at 10 o'clock A. M. [156-A]

At a special January Term, A. D. 1916, of the District Court of the United States of America, in and for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of San Francisco, California, on Tuesday, the twenty-ninth day of August, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

VS.

LOST HILLS MINING COMPANY et al.,

Defendants.

**Minutes of Court—August 29, 1916—Hearing on
Motion for Restraining Order, etc.**

This cause coming on this day to be further heard on complainants' motion for a temporary injunction,

and also to be heard on an application for the appointment of a receiver; E. J. Justice, Esq., and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, appearing as counsel for the United States; Earl H. Pier, Esq., R. L. McWilliams, Esq., Joseph D. Redding, Esq., and Peter F. Dunne, Esq., appearing as counsel for defendants Lost Hills Mining Company and Universal Oil Company; I. Benjamin, one of the official shorthand reporters of this court, being present and acting as such; and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, having offered an affidavit, which is admitted in evidence and read to the court by said counsel, to wit: Defts. Ex. "F," affidavit of E. R. Dudley, taken before C. D. Hamel, Special Agent of the U. S. Land Department on April 8th, 1916; and Thomas H. Means, sworn as a witness in cause No. A-37—Equity, having been called as a witness on behalf [157-A] of defendants, and having given his testimony; and defendants having rested on this hearing, and Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having moved the court that he be allowed, on behalf of complainants, to prepare and file an affidavit of C. D. Hamel, to which affidavit will be attached the affidavits of three or four other persons taken before said C. D. Hamel, as Special Agent of the U. S. Land Department, which motion is opposed by Peter F. Dunne, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, it is ordered that said

motion be, and the same hereby is granted, and that, accordingly, complainants be, and hereby are allowed within twenty (20) days to prepare, serve and file said affidavits; and E. D. Latham and J. W. Kingsburg, witnesses heretofore sworn in cause No. A-37—Equity, having been called as witnesses on behalf of complainants in rebuttal, and having given their testimony, and, after a recess of court from the hour of 12 o'clock M., until the hour of 2 o'clock P. M., of this day, this cause having again been called for further hearing, and counsel and shorthand reporter being present as before; and said motion of complainants for a temporary injunction and application for the appointment of a receiver having been argued, in support thereof, by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, and in opposition thereto by Peter F. Dunne, Esq., and Joseph D. Redding, Esq., of counsel for defendants Lost Hills Mining Company and Universal Oil Company, and in support thereof in reply by Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States; it is, on motion and by agreement of counsel, ordered that this cause be, and the same hereby is submitted to the court for its consideration and [158-A] decision on complainants' motion for an injunction *pendente lite* and application for the appointment of a receiver, and upon the pleadings, exhibits, testimony, affidavits filed and to be filed, and upon briefs which may be prepared, served and filed on behalf of the respective parties as follows, to wit: On behalf of defendants within ten (10) days, and on behalf of

complainants within ten (10) days thereafter, the clerk of this court, being directed to prepare a list of exhibits filed herein, furnishing to the Court, complainants and defendants one copy each. [159-A]

At a special term, to wit, the special October Term, A. D. 1916, of the District Court of the United States for the Southern District of California, Northern Division, held at the courtroom thereof, in the city of Fresno, California, on Wednesday, the fourth day of October, in the year of our Lord one thousand nine hundred and sixteen. Present: The Honorable ROBERT S. BEAN, District Judge.

No. A-52—EQUITY.

THE UNITED STATES OF AMERICA,

Complainants,

vs.

LOST HILLS MINING COMPANY et al.,

Defendants.

Minutes of Court—October 4, 1916—Order Overruling Defendant's Plea and Objection to Jurisdiction, etc.

This cause having heretofore been submitted to the Court for its consideration and decision on a plea to the jurisdiction of the court and on a motion for the issuance of an injunction *pendente lite* herein and on an application for the appointment of a receiver; the Court, having duly considered the same

and being fully advised in the premises, now reads its conclusions herein and regarding the matters under submission herein and in causes Nos. A-37—Equity and A-57—Equity, N. D., which conclusions are not at this time filed, and, pursuant to the Court's ruling in said conclusions, it is ordered that defendants' plea and objection to the jurisdiction of this Court herein be, and the same hereby is overruled, and it is further ordered that the motion of complainants for the issuance of an injunction *pendente lite* be, and the same hereby is denied, and it is further ordered that complainants' application for the appointment of a Receiver [160-A] be, and the same hereby is granted for all properties in controversy included in said application for appointment of a receiver except the south half (S. $\frac{1}{2}$) of section 32, township 26 south, range 21 east, M. D. B. & M., an order accordingly to be prepared and presented by counsel for signature and entry.

* * * * *

Frank Hall, Esq., Special Assistant to the U. S. Attorney General, of counsel for the United States, having applied to the court for leave to file herein an amended bill of complaint, and having also moved the Court that the ruling of the Court this day made upon the application for appointment of a receiver be modified so as to include within the operation of the receivership the southwest quarter (SW. $\frac{1}{4}$) of section 32, township 26 south, range 21 east, M. D. B. & M., to which application and motion objection is made by Joseph D. Redding, Esq., of counsel for

defendant Lost Hills Oil Company, and Edmund Tauszky, Esq., of counsel for defendant Associated Oil Company, it is ordered that for hearing on said application and motion this cause be, and the same hereby is continued, to be called hereafter for said hearing at San Francisco, California. [161-A]

*In the District Court of the United States, in and for
the Southern District of California, Northern
Division, Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVER-
SAL OIL COMPANY, and ASSOCIATED
OIL COMPANY,

Defendants.

Order Appointing Receiver.

This suit coming on to be heard on motion of the complainant for the appointment of a receiver and for an injunction, and having been heard on the 21st, 22d, 23d, 24th, 25th, 28th and 29th days of August, 1916.

IT IS NOW CONSIDERED, ORDERED AND ADJUDGED that Howard M. Payne be, and he is hereby appointed receiver,—and until the further order of this Court,—for certain of the properties described in the bill of complaint and herein claimed by the defendants, to wit:

The Northwest quarter and the Southeast quarter of Section Thirty, and the North half of Section Thirty-two, all in Township Twenty-six South, Range Twenty-one East, Mount Diablo Base and Meridian, and situated in Kern County, California,

and of the oil and gas already extracted and still in the possession of the defendants, Lost Hills Mining Company and Universal Oil Company.

The said receiver is directed to receive, and the said defendants, the Lost Hills Mining Company and the Universal Oil [162-A] Company, are directed to surrender to said receiver all moneys in their hands or under their control, or in the hands of any person or corporation for them, which are the proceeds of the sale of oil or gas produced from said lands hereinbefore described and such persons holding such funds are directed to pay the same to said receiver; and the said receiver is directed to collect any notes, accounts, or other evidences of debt due or payable on account of the sale of oil and gas produced from said lands and sold by or for said defendants, the Lost Hills Mining Company and the Universal Oil Company.

IT IS FURTHER ORDERED that the receiver keep an accurate account of the quantity and quality of oil and gas hereafter produced from said lands herein described and until the further order of this court that he dispose of and sell the same at the best price or prices obtainable.

Until the further order of this Court the said defendants, Lost Hills Mining Company and Universal

Oil Company are hereby permitted to continue the operation and management of the properties hereinbefore described, and no change is to be made in the present status, management, or method of operation of said properties—by the receiver—without the consent of the said defendants, Lost Hills Mining Company and Universal Oil Company, or by order of the Court made after ten days' notice to the said defendants, other than such as may be necessary to enable said receiver to ascertain the present condition of the said properties and to receive and dispose of the output thereof and to keep a record and account thereof.

IT IS FURTHER ORDERED that the said Universal Oil Company shall render to the said receiver as soon as practicable after the first of each and every month, a statement of the expenses of the management and operation of said properties for the preceding month, and the said receiver shall out of the proceeds of the [163-A] sale of the oil and gas from said properties hereinbefore described pay to the said Universal Oil Company forthwith the amount of said expenses of operating and managing said properties as set forth in said statement.

The receiver shall, within ten days after the settlement with the said Universal Oil Company for expenditures made for the preceding month, make and file with the clerk of this court a report setting forth the quality and quantity of the oil disposed of and the price received therefor, and a statement of the expenses for the operation and management of the properties for the preceding month, and at such time

such recommendations as he may deem advisable to the Court respecting the management and operation of said property, provided that no recommendation made to the Court in reference to the properties shall be acted upon by the Court without ten days notice to both parties and an opportunity to be heard thereon; a copy of said report and recommendations shall be delivered to the solicitors of the parties hereto.

IT IS FURTHER ORDERED AND PROVIDED that the said receiver shall, at all reasonable times, have ingress to and egress from said properties for the purpose of examining the same, and with such assistance as may be reasonable so to do. The said receiver shall also have full access, at all reasonable times, to the books of accounts and records and logs of wells of the said Universal Oil Company with reference to said properties.

In the event the complainant herein desires to make an examination of the said property and wells in addition to the examination herein provided to be made by such receiver, it shall be permitted to make such examination at its own expense.

IT IS FURTHER ORDERED that a bond in the sum of \$25,000.00 to be approved by this Court, shall be given by the receiver within fifteen days from the filing of this order; provided the solicitors for the complainant or for the defendants, [164-A] or either of them, may at any time upon one day's notice to counsel for the opposite parties, apply to the Court for an increase in the amount of said bond.

The moneys coming into the hands of said receiver shall be deposited in The Bank of California, the

National Association in the City of San Francisco, State of California, and shall draw interest at the rate of at least three per cent per annum and shall be deposited in the name of said receiver and shall remain in said bank subject to the further order of this Court, both as to the amounts of money so deposited and the accumulation of interest thereon; PROVIDED that if said bank declines or refuses such rate of interest, then said moneys may be deposited in some other bank to be agreed upon by the parties or to be designated by the Court; PROVIDED that the said receiver, from the moneys received by him each month from the sale and disposition of oil and gas from said properties, may deposit in a bank and in a noninterest bearing account so much of said funds as may be necessary to pay the monthly operating and management expenses and the monthly current expenses of the receiver in the execution of this order; PROVIDED that said receiver shall not have on hand at any one time moneys in excess of Six Thousand Dollars (\$6,000.00) which are not deposited in the Bank of California, the National Association in said interest-bearing account as aforesaid.

The amount of compensation to be paid to the receiver in this suit is to be determined hereafter, but in no event shall said sum, paid as compensation for services to the receiver in this action, together with such sums as may be paid said receiver for services as receiver of other oil and gas properties in suits brought in this court similar to this suit, exceed the sum of Five Thousand Dollars (\$5,000.00) per annum.

Done in open court this 20th day of December, 1916.

R. S. BEAN,
District Judge. [165-A]

[Endorsed]: In Equity—A-52. In the District Court of the United States, in and for the Southern District of California, Northern Division, Ninth Circuit. United States of America, Plaintiff, vs. Lost Hills Mining Company, Universal Oil Company, and Associated Oil Company, Defendants. Order Appointing Receiver. Filed Dec. 20, 1916. Wm. M. Van Dyke, Clerk. By Leslie S. Colyer Deputy Clerk. Joseph D. Redding, Morrison, Dunne & Brobeck, San Francisco, California. [166-A]

*In the District Court of the United States, for the
Southern District of California, Northern Division,
Ninth Circuit.*

Honorable ROBERT S. BEAN, Judge Presiding.

IN EQUITY—No. A-37.

UNITED STATES OF AMERICA,

Complainant,

vs.

DEVIL'S DEN CONSOLIDATED OIL COMPANY et al.,

Defendants.

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Complainant,

vs.

LOST HILLS MINING COMPANY, UNIVER-
SAL OIL COMPANY, and ASSOCIATED
OIL COMPANY,

Defendants.

IN EQUITY—No. A-57.

UNITED STATES OF AMERICA,

Complainant,

vs.

LOST HILLS MINING COMPANY, UNIVER-
SAL OIL COMPANY,

Defendants.

**Consolidated Statement of the Case in the Above-
entitled Causes. [1]**

BE IT REMEMBERED that on Monday, the 21st day of August, 1916, the same being one of the juridical days of the regular May, A. D. 1916 Term of the District Court in and for the Southern District of California, Northern Division, sitting, by agreement of counsel and order of the Court, at 10 o'clock A. M., San Francisco, California, the motion of the defendant Devil's Den Consolidated Oil Company to dismiss the bill of complaint on the ground that the above-entitled court had no jurisdiction to try the issues in the above-entitled cause, of United States of America, Complainant, vs. Devil's Den Consol-

idated Oil Company et al., Defendants, In Equity—A-37; and the motion of the Lost Hills Mining Company and the Universal Oil Company to dismiss the bill of complaint on the ground that the above-entitled Court had no jurisdiction to try the issues in the above-entitled cause, of United States of America, Complainant, vs. Lost Hills Mining Company et al., Defendants, In Equity—A-52; and the motion of the defendants, Lost Hills Mining Company and Universal Oil Company to dismiss the bill of complaint on the ground that the above-entitled Court had no jurisdiction to try the issues in the above-entitled cause, of United States of America, Complainant, vs. Lost Hills Mining Company and Universal Oil Company, In Equity—A-57; and the motions for an injunction and a receiver in each of the above-entitled causes, all coming on regularly to be heard in the above-entitled Court before Honorable Robert S. Bean, presiding, the complainant appearing by its solicitors E. J. Justice, Esq., and Frank Hall, Esq., and the defendants appearing by their solicitors Joseph D. Redding, Esq., and Peter F. Dunne, Esq., the following is a full, true and correct transcript of all of the proceedings had therein:

MR. DUNNE.—If your Honor please, the parties in A-52 are the United States, complainant, and the defendants are the Lost Hills Mining Company, the Universal Oil Company and the Associated Oil Company. In A-57 the parties are the United States, complainant, and the defendants are the Lost Hills Mining Company and the Universal [2] Oil Company. In A-57 I understand the Associated is not

a defendant. Those are the parties in the two Lost Hills cases. In the Devil's Den Consolidated Mining Company case, A-37, the United States is complainant, and the defendants are the Devil's Den Consolidated Oil Company, the Associated Oil Company and the Standard Oil Company. The lands involved in the first Lost Hills case, No. A-52, are the northwest quarter and the southeast quarter of section 30, also the northeast quarter and the west half of section 32, both sections being in township 26 south, range 21 east, Mount Diablo meridian. The lands involved in the second Lost Hills case, A-57, are the southwest quarter of section 18 in the same township 26. The lands involved in the Devil's Den Consolidated Mining Company case, No. A-37, are the northeast quarter of section 30, also in that same township number 26. So those are the three cases, and those are the parties, and those are the lands involved, and the question before your Honor this morning, as I understand it, is the question of the jurisdiction of this Court to take cognizance of this litigation.

Mr. HALL.—I have this to suggest with regard to the procedure: that the testimony on the question of our right to a receiver and the evidence that will be offered in support of the motion on the jurisdiction will be largely intermingled and largely the same, and I have to suggest that we proceed to introduce our evidence on both of those questions and then let them both be argued together at the same time.

The COURT.—That is satisfactory to the Court.

Mr. DUNNE.—If I understand Mr. Hall's sug-

gestion, it is that we proceed to take the testimony bearing upon the question of a receiver and an injunction, and then that the whole matter be argued together. We made a motion to your Honor asking you to exercise your discretion to determine, first, this question of jurisdiction, and that motion was granted, and we are here now to discuss the question of jurisdiction. I think it is an important, [3] and, it may be a decisive question in the case, and I desire to present that question uncomplicated with any consideration arising out of the receivership or the injunction, and if your Honor should decide that our position is well taken on the question of jurisdiction, the question of the right to a receiver and the right to an injunction would disappear from the case.

The COURT.—Does the question of jurisdiction depend upon a question of fact?

Mr. DUNNE.—It depends upon a question of law.

The COURT.—Entirely?

Mr. DUNNE.—Yes. There is no dispute about the facts upon which we stand in this jurisdictional plea, and therefore I would ask your Honor to hear that question first.

The COURT.—If it arises upon the papers or the pleadings it can be heard first.

Mr. DUNNE.—I think Mr. Hall will agree with me that there is no difference between us as to the facts, and I think the facts could be stated very briefly by Mr. McWilliams, and we then desire to submit to your Honor very earnestly that there is no jurisdiction in this Court to hear the proceedings, and if that position is well taken then your Honor

will not entertain any application in the matter for an injunction or a receiver.

Mr. HALL.—The absence of Mr. Redding rather embarrasses me somewhat. We have a stipulation all prepared which has not yet been signed by Mr. Redding and myself which covers all of those matters, the introduction of the evidence and the land office records, which I understand are the basis of their present contention that there is no jurisdiction in the case, and I assume that they will be offered in evidence, and that the whole matter would be gone into. I am perfectly willing to take it up in any way, [4] but I want those Land Office proceedings in evidence—the entire proceedings as we have stipulated them—in order that the Court may be fully advised as to what the situation is.

Mr. DUNNE.—That is entirely satisfactory.

The COURT.—You may proceed then with the question of jurisdiction first.

* * * * *

Thereupon Mr. McWilliams made the opening statement on behalf of the defendants on the motions to dismiss.

After the making of the opening statement the following proceeding took place:

Mr. DUNNE.—Now, Mr. Hall, about this stipulation. It is here. The stipulation between you and Mr. Redding. Do you want that stipulation to be offered on this hearing?

Mr. HALL.—I think so, yes, because it covers all of the records of the Land Office upon which we are relying and upon which you are relying.

Mr. PIER.—The stipulation was all worked out. There are a couple of suggestions that I want to make. Mr. Redding prepared it and you corrected it. There are two suggestions that I would like to make, that is, that the protest in reference to the stamped protest which the Chief of the Field Division stamped upon the notice of application that there were no actual charges filed, but that the only contest filed was that rubber stamp protest.

Mr. HALL.—The record shows different. They set up in the answer that there was.

Mr. PIER.—But there is not any in the Lost Hills case.

Mr. HALL.—There was.

Mr. PIER.—If there are any such charges filed, I have been unable to find them. [5]

Mr. HALL.—What page of the stipulation do you refer to, Mr. Pier?

Mr. PIER.—Page 13 of the stipulation. Then, in reference to the third stipulation on page 13, you inserted that there were no adverse claims other than that of the United States. We do not want to be construed by that stipulation as acknowledging that the United States had any adverse claim. That is a question that the Court must determine.

Mr. HALL.—Yes. You are not admitting that there were—that the United States had an adverse claim. You are not admitting the validity of that. But there was a protest filed.

Mr. PIER.—I don't think the protest really makes very much difference in the matter one way or the other, but, at the same time, the protest that was filed

up to the time the final receipt was issued was this rubber stamp protest, which I understand under the law is no protest at all.

Mr. HALL.—Here is the letter, Exhibit “Z.” It shows a protest filed against it.

Mr. PIER.—That is all right, then, Mr. Hall.

Mr. DUNNE.—If your Honor please, in A-52—and I suppose it might apply to A-57—we will offer in evidence the stipulation entered into between Mr. Redding and Mr. Hall. I won’t read it. In the argument of the case it may be referred to so far as necessary for the purposes of illustration. And in the Devil’s Den case I will offer in evidence copies of the proceedings, with the consent of Mr. Hall, and a form of Receiver’s receipt, subject to comparison with the original receiver’s receipt which is not here. It was transmitted to the general Land Office. There is a form of that in Exhibit “G.”

Mr. HALL.—It is marked right here. [6]

Mr. DUNNE.—I will use these copies and have them marked as exhibits. Will you mark them, Mr. Clark? That is, the stipulation—Exhibit “A”—and this here in 52 and 57. This will be exhibit “A” in “A-37.”

Mr. HALL.—The stipulation is offered in 37, 57 and 52?

Mr. DUNNE.—No. The stipulation in 52 and 57. You made a suggestion that the stipulation be put in evidence in 37 also, and Mr. Pier suggests that it be offered in evidence in 37. I have no objection so far as it is properly germane to 37. So we have

the stipulation in evidence and we have the papers in 37.

Mr. HALL.—There are many things in the stipulation which apply to all three cases.

Exhibit “A” in “A-52” and “A-57,” as follows:
[7]

Exhibit “A”—Stipulation.

*In the District Court of the United States for the
Southern District of California, Northern Division,
Ninth Circuit.*

IN EQUITY—No. A-52.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LOST HILLS MINING COMPANY, UNIVER-
SAL OIL COMPANY and ASSOCIATED
OIL COMPANY,

Defendants.

Stipulation.

The following facts, data and documents hereto attached and made a part of this Stipulation are hereby stipulated, by and between the respective counsel in the above-entitled action, to be correct copies of the originals, and that the copies of any documents hereto attached are to be taken the same as if the originals were hereto attached.

It is furthermore stipulated that upon any proceedings in the above-entitled action in court, the facts, matters, data and documents hereto attached, and which are stipulated to be correct and true copies

of the originals, may be introduced by either party the same as if the originals were offered and with the same force and effect thereof, but subject to objections of counsel as to their relevancy and materiality.

Attached hereto and marked Exhibit "A," and made a part of this stipulation, is a copy of all the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral [8] Entry No. 03431, upon the application of said company for a patent covering the northwest quarter (NW. $\frac{1}{4}$) of section thirty (30), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "B," and made a part of this stipulation, is a copy of all of the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03432, upon the application of said Company for a patent covering the southeast quarter (SE. $\frac{1}{4}$) of section thirty (30), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "C," and made a part of the stipulation, is a copy of all of the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03457, upon the application of said company for a patent covering the northeast quarter (NE. $\frac{1}{4}$) of section thirty-two (32), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M.,

Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "D," and made a part of this stipulation, is a copy of all of the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03459, upon the application of said company for a patent covering the southwest quarter (SW. $\frac{1}{4}$) of section thirty-two (32), in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

Attached hereto and marked Exhibit "E," and made a part [9] of this stipulation, is a copy of all the papers filed by the Lost Hills Mining Company, one of the defendants herein, in Mineral Entry No. 03448, upon the application of said company for a patent covering the northwest quarter (NW. $\frac{1}{4}$) of section thirty-two (32) in township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., Kern County, California, containing one hundred and sixty (160) acres.

It is furthermore stipulated that the following is a true and correct copy of a letter of the Commissioner of the General Land Office, dated Washington, November 29th, 1915, clear-listing the southeast quarter (SE. $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. B. & M., containing one hundred and sixty (160) acres, Kern County, California: "In reply

please refer to Visalia 03458 "FS" LEE.

1 x CFD.

1 x JDR.

1 x Dept. Justice.

DEPARTMENT OF THE INTERIOR.

General Land Office.

Washington, November 29, 1915.

Mineral Application,

Clear Listed.

Chief of Div. "N."

Sir: December 2, 1911, the Lost Hills Mining Company made Mineral application No. 03458 for the Fog Horn Placer mining claim embracing the SE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M.

The said land was included in Petroleum Reserve No. 13, by Executive Order of October 7, 1910. No other existing withdrawals affect this land.

There has been received in the record reports by special agents and a mineral inspector of this office, in which it is shown that the tract is petroleum bearing in character, and has been developed to a state of high production of this mineral.

The claim was located February 14, 1907, by O. D. Barton, W. B. Wallace, Sarah McCord, C. A. Butts, Hugh McPhaill, A. Levis, R. C. Hardin and A. H. Murry, Jr. At the same time these persons with 28 others also located some 22 other tracts in the vicinity. [10] Some two years or more after location, the said locators organized the Lost Hills Mining Company, a corporation, the present applicant. The several locations were transferred to the said

corporation, each interested person receiving his proportionate share of the stock issued.

It thus appears that there exists no reason for questioning the good faith and regularity of the said Fog Horn location.

As to the question of development work looking to the discovery of oil, the applicant makes the following statements:

“That the applicant is now and ever since March 18, 1909, has been the owner and a *bona fide* claimant and occupant of a group of four adjacent placer mining claims, embracing the whole of Sec. 32, T. 26 S., R. 21 E., M. D. M., containing an area of 640 acres, under and by virtue of four locations duly made under the laws of the United States relating to what are commonly called placers and lands chiefly valuable for petroleum, by association of eight persons and conveyances of said claims by the locators to the applicant on March 18, 1909.

That acting under the authority given it by an Act of Congress approved February 12, 1903 (32 Stat. L. 825), the applicant undertook to develop said mining claims as a group and accordingly in the month of July 1910, placed an oil well drilling rig upon the SW. $\frac{1}{4}$ of said Sec. 32, and in the S. E. corner thereof, and during the months of July, August and September, of the year 1910, bored a well with said rig to a depth of about 400 feet, wherein and whereby such a showing of petroleum was discovered as proved that a deposit of petroleum

existed on said Sec. 32, which would yield petroleum in paying quantities when properly developed.

Said well was drilled so close to the line between the SW. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of said Sec. 32, that it showed that such deposit of petroleum existed on the SE. $\frac{1}{4}$ of said Section as well as upon the SW. $\frac{1}{4}$ thereof.

That as soon as said well was drilled, applicant began further development of the said group of claims by procuring another oil well drilling rig and commencing the drilling of a well therewith at a point upon what it thought was the Northern part of the SE. $\frac{1}{4}$ of said Section 32, but which in fact was at a point upon the NE. $\frac{1}{4}$ of said Section 32, located 750 feet East of the center of said Section and 80 feet North of the North line of the SE. $\frac{1}{4}$ of said Section 32.

That said last mentioned rig was located on the NE. $\frac{1}{4}$ instead of the SE. $\frac{1}{4}$ of said Sec. 32, account of the great difficulty which then existed in the matter of locating the survey stakes.
[11]

That said last-mentioned rig was placed in the location last above-described on October 1, 1910, and the drilling of a well at once begun and diligently continued to a depth of about 831 feet; that said well disclosed and developed a deposit of petroleum which produces through said well at the rate of 750 barrels of petroleum per day and demonstrates that such deposit exists upon

the SE. $\frac{1}{4}$ of said Sec. 32, as well as upon the NE. $\frac{1}{4}$ thereof account of the fact that said well is only 80 feet North of the North line of said SE. $\frac{1}{4}$.

That account of the results of the above-mentioned work, applicant drilled another well on the SE. $\frac{1}{4}$ of said Sec. 32, at a point in the Northwest corner thereof about 500 feet Southeast of the center of the said section to a depth of about 835 feet, in and by which a deposit of petroleum has been developed which produces through and by means of said well at the rate of 200 barrels of petroleum per day."

A further claim to title is asserted on alleged discovery and exploitation of gypsum deposits, but in view of the facts adverse to such a proposal reported by the mineral inspector, I am not disposed to a favorable consideration of such claim.

Relative to the alleged discovery well on the SW. $\frac{1}{4}$ of Sec. 32, and the one said to have been spudded in on the NE. $\frac{1}{4}$ of Sec. 32, under the erroneous belief that it was on the SE. $\frac{1}{4}$ of that section, the agent has reported the following evidence:

Affidavit of O. D. Barton, who made oath to the statements quoted above from the application,—

" * * * The next rig to start drilling was on the SW. $\frac{1}{4}$ of Sec. 32. It was the rotary rig. It arrived there about July 8, 1910, and commenced drilling immediately. The rig ran whenever they could get water for it, the rest of the season. They only got down to between 400 and 500 and I don't think got any oil,

* * * I think the next rig was the Prestage rig which arrived September 24, 1910, in NE. $\frac{1}{4}$ Sec. 30. On August 2, 1910, a gas rig was onto the NE. $\frac{1}{4}$ of Sec. 32, but did not start drilling for a long time. Something was wrong with it and it would not start. A short time after the Prestage rig, M. K. Flynn brought in a gas rig and placed on the NE. $\frac{1}{4}$ Sec. 32, and remained there until March, 1911."

Affidavit of L. E. Prestage,—

" * * * W. K. Flynn brought a portable rig over to what I thought was the W. $\frac{1}{2}$ SE. $\frac{1}{4}$ Sec. 32, and began drilling. This was the first rig on Sec. 32. Several rigs moved on to Sec. 32 shortly after Flynn began drilling. Flynn moved his rig into Sec. 32, several weeks after I began drilling, perhaps early in October. Mr. Flynn did not complete the well, but Dudley, and Martin put a rig of their own and completed it." [12]

Affidavit of Walter C. Moran,—

" * * * After July 5, 1910, and prior to July 17, 1910, a portable rotary drilling rig was placed on the Southwest quarter of said section 32, by said Martin and associates, which drilling rig was in charge of one Barden, who drilled a well down 375 feet, and that said drilling rig is still on said SW. $\frac{1}{4}$ of said Sec. 32; that there was no drilling rig or well on the Northwest quarter of said Section 32. * * * Affiant further states that on or about October 1, 1910, a gasoline drilling rig was brought down by one

W. Ireland, onto the SE. $\frac{1}{4}$ of said Sec. 32, from Sec. 29, T. 25 S., R. 20 E., that on or about November 10, 1910, an American drilling rig was moved on the southeast quarter of said Section 32, and commenced drilling; that the aforesaid gasoline drilling rig on the said SE. $\frac{1}{4}$ of said Section 32, was moved upon the northwest quarter of said Sec. 32, on or about November 10, 1910; that on November 10, 1910, one W. K. Flynn came on the NE. $\frac{1}{4}$ of said Section 32, bringing his own gasoline drilling rig with him and started drilling a well on said NE. $\frac{1}{4}$ of said Section 32." * * *

Affidavit of Harvey G. Chase,—

" * * * that while in said employ from September 1, 1910, to October 1, 1910, he worked as a driller on an oil drilling rig on the southwest quarter of said Section 32, that while in said employ he worked as a driller on an oil drilling rig from November 8, 1910, to November 10, 1910, inclusive, on the southeast quarter of said Sec. 32; that while in said employ he worked as a driller on the oil drilling rig from November 14, 1910 to December 15, 1910, on the southeast quarter of said Sec. 32, * * * ."

Affidavit of W. K. Flynn,—

" * * * that on October 1, 1910, he brought an oil drilling rig on the southeast quarter of said Section 32; that on November 12, 1910, while in said employ he brought an oil drilling rig on the NE. $\frac{1}{4}$ of said Sec. 32, and proceeded to bore a well, and on December 28, 1910, dis-

covered oil at a depth of 345 feet; affiant further states that on October 1, 1910, there was no house, barn or improvements of any kind on said Sec. 32 except a small cabin and shed on the said SE. $\frac{1}{4}$ known as the Anderson cabin * * * that on or about November 12, 1910, he saw an American drilling rig on the SE. $\frac{1}{4}$ of said Section 32, which was drilling a well."

Affidavit of H. E. Covey,—

" * * * I was instructed to prepare to drill at what is now Universal 1 on Sec. 32 (shown on map to be on NE. $\frac{1}{4}$ close to south boundary and about 700 or 800 feet east of center of section) at noon on January 26, 1911. I recall this from a time book which I [13] have in my possession. I was instructed to take a Star portable rig to Well 1 to continue the work which W. Flynn had been doing. Flynn had been working up on Section 8, near me, but some time about the middle of November, 1910, he moved his rig to 1 on 32, to start the second well on that section. Flynn worked on contract with Martin and Dudley at the rate of \$8.00 per day for himself and the use of his gasoline drilling rig. When I got the Star rig to the well Flynn had left. We pulled his rig a little off to one side and moved the Star rig over the hole, where it remained until oil was struck on May 8, 1911. At that time there were about 552 feet of casing in the hole, but it had been drilled 580 feet. * * * I stated that Universal 1 when begun was the second work

on Section 32. The first work undertaken on that Section was on the SW. $\frac{1}{4}$ to the west of the house, in which I used to live. This work was started about the time I came out to the fields to work. I never saw the rotary rig at work. I do not know how deep the hole was that was drilled there. The first that I had to do with the outfit was help take down the outfit when it was moved on to old 1, on Eighteen. No other rig took its place. This tearing down occurred sometime about the end of February, 1911,

* * * ”

Affidavit of J. D. Martin,—

“ * * * the first rotary rig which we purchased was the Livingston rig. I could not tell the exact date this rig reached Sect. 32, but from the facts our first payment on account was made April 4, 1910. We had this rig up as soon as it could be shipped from the McKittrick district; we hauled it over with teams from McKittrick; hurrying the delivery as fast as possible and got it to the property probably within 30 days from April 4, 1910. As soon as possible we began drilling on the southwest quarter of Sec. 32, with this rig and I am satisfied in my own mind, however, that we drilled to at least 400 feet. I was not present myself when the rig was moved from the Southwest quarter to the Northeast quarter—my best recollection is we had a showing of oil and had some difficulty with the hole, it being crooked or something of that sort, and we then moved the rig over to the Northeast

quarter of Sec. 32, and proceeded to drill what is known as well No. 1, on Sec. 32; the exact date when this rig was moved over to Sec. 32, I do not recall, but it must have been in the spring, or early summer, of 1910; the well was not completed with this rotary rig; we did go to some depth, however, and later W. K. Flynn moved his gasoline rig on this well from Sections 6, 22, 26, I do not recall how long he worked on the well, later we placed standard equipment on it and continued drilling. The well was not complete when we sold it and was later completed by the Universal Oil Company." [14]

You will observe from the foregoing, which appears to be about all the evidence available, that there is some question as to whether the first efforts leading to a discovery of oil or gas on this tract were initiated prior to the withdrawal of October 7, 1910. The evidence is not clear on the question of whether or not actual drilling on this land began prior to the withdrawal. It has been sought by the applicant to apply the provisions of the act of February 12, 1903 (32 Stat. 825) based upon the alleged discovery in the 400-foot well on the SW. $\frac{1}{4}$ Sec. 32, and the inception of development work prior to withdrawal and subsequent discovery in the case of Universal Well No. 1, believed by the applicant at the time work on it was commenced to be situated on the SE. $\frac{1}{4}$ of the said Sec. 32.

From the facts reported, I am unwilling to concede discovery in the 400-foot well on the SW. $\frac{1}{4}$ which well appears to have been abandoned, some-

time prior to withdrawal of the land, and adverse proceedings have been directed against the application (03459) covering the SW. $\frac{1}{4}$. Attention is also called to the further fact that Universal Well No. 1 relied upon in this case is also relied upon as the discovery well for mineral application 03457, by the same applicant, for the NE. $\frac{1}{4}$ of said Sec. 32. Adverse proceedings have also been directed against that application charging no discovery prior to withdrawal of September 27, 1909, and absence of diligent prosecution of work leading to discovery of oil or gas at date thereof.

As to the allowance of the application to the said Fog Horn placer claim as development work of the labor performed upon any other claim attention is called to the decision of the California Supreme Court, rendered in the case of Smith vs. Union Oil Company (135 Pac. 968), which as to this particular feature, is not unlike this one. The Court, for reasons therein stated, held the said act of February 12, 1903, inapplicable. This decision was rendered some time after the Pickett Act and the act of March 2, 1911 (36 Stat. 1015) were approved.

In view, however, of the fact that at date of withdrawal the applicant appears to have been in diligent prosecution of labor looking to the discovery of oil, at least at one point, which as the result of an erroneous survey was at that time believed to be upon this claim, and, according to some of the evidence submitted, on the land itself; and in view of the large equities of the applicant company apparent in the extensive development of this particular claim,

and the fact that the adjudication of this claim involves no parties other than the government itself and the applicant, I am disposed to the belief that the claimant should receive the benefit of the doubt here existing, and in the absence of other material objection, should receive patent.

I have, therefore, directed that the application be referred to your division for this purpose.

Very respectfully,

CLAY TALLMAN,

Commissioner.

D. A. MILLRICK. [15]

IT IS FURTHERMORE STIPULATED that the following are the dates when the applications for patents of the lands involved in the above-entitled action were filed in the Visalia Land Office:

NE $\frac{1}{4}$ of Sec. 32, Eagle Placer Mining Claim,
#03457, December 2, 1911;

NW $\frac{1}{4}$ of Sec. 32, Petroleum Placer Mining Claim,
#03448, November 25, 1911;

SW $\frac{1}{4}$ of Sec. 32, Judge Placer Mining Claim,
#03459, December 2, 1911;

SE $\frac{1}{4}$ of Sec. 30, Signal Placer Mining Claim,
#03432, November 18, 1911;

NW $\frac{1}{4}$ of Sec. 30, Lost Hills Placer Oil Mining Claim,
#03431, November 18, 1911.

IT IS HEREBY STIPULATED that attached thereto, and marked Exhibits "F," "G," "H," "I," and "J," are true and correct copies of the receipts issued by the United States Land Office under date of February 24, 1912, to the Lost Hills Mining Company, for the payment of the purchase price to the

Government on the aforesaid application for patents, as follows:

Receipt on Mineral Application, Serial No. 03448, of the northwest quarter (NW $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipts on Mineral Application, Serial No. 03459, of the northeast quarter (NE $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipt on Mineral Application, Serial No. 03459, of the southwest quarter (SW $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipt on Mineral Application, Serial No. 03432, of the [16] southeast quarter (SE $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred Dollars (\$400.00).

Receipt on Mineral Application, Serial No. 03431, of the northwest quarter (NW $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., in the sum of Four Hundred and Five Dollars (\$405.00).

IT IS FURTHERMORE STIPULATED that said moneys were paid by the Lost Hills Mining Company to the United States Government and received by the United States Land Office in accordance with the said receipts.

IT IS FURTHERMORE STIPULATED that the procedure called for under the statutes of the United States and the Rules and Regulations of the Land Department of the United States, following upon the filing of the application for patents to the lands involved in this action, and up to the payment of the moneys for said lands last above stipulated, was duly pursued and followed by the Lost Hills Mining Company, one of the defendants in this action.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 20th day of November, 1911, give notice in writing to the Commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the 18th day of November, 1911, by the Lost Hills Mining Company, for the Lost Hills Placer Mining Claim, being the northwest quarter (NW $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California, the same being Mineral Application, Serial No. 03431.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register [17] of the General Land Office at Visalia, California, did, on the 20th day of November, 1911, give notice in writing to the Commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application, on the 18th day of November, 1911, by the Lost Hills Mining Company, for the Signal Placer Mining Claim, being the southeast quarter (SE $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-

one (21) east, M. D. M., Kern County, California, the same being Mineral Application, Serial No. 03432.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 27th day of November, 1911, give notice in writing to the commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the 25th of November, 1911, by the Lost Hills Mining Company, for the Petroleum Placer Mining Claim, being the northwest quarter ($NW\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California, the same being Mineral Application, Serial No. 03448.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 4th day of December, 1911, give notice in writing to the Commissioner of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the 2d day of December, 1911, by the Lost Hills Mining Company, for the Eagle Placer Mining Claim, being the northeast quarter ($NE\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California, the same being Mineral Application No. 03457.

IT IS FURTHER STIPULATED that Geo. W. Stewart, as Register of the General Land Office at Visalia, California, did, on the 4th day of December, 1911, give notice in writing to the Commissioner [18] of the General Land Office at Washington, D. C., of the filing of the Mineral Application on the

2d day of December, 1911, by the Lost Hills Mining Company, for the Judge Placer Mining Claim, being the southwest quarter (SW $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County California, the same being Mineral Application No. 03459.

IT IS FURTHERMORE STIPULATED, as a fact, that Geo. W. Stewart, the Register of the Land Office at Visalia, California, did, on the 29th day of February, 1912, transmit to the Commissioner of the General Land Office, Department of the Interior, Washington, D. C., a complete record in the Mineral Applications covering the lands involved in this action, namely, Mineral Applications Nos. 03431, 03432, 03457, 03459 and 03448, and did transmit a complete record with a letter in each instance, and covering each application. That attached hereto and made a part of this stipulation, and marked Exhibits "K," "L," "M," "N" and "O," are true copies of the letters of transmittal.

IT IS STIPULATED AS A FACT, that in each of the five notices of application for patents covering the lands involved in this action, a copy of the notice of application for patent in each instance, was forwarded by the Register to the Chief of the Field Division of the General Land Office in San Francisco, California.

IT IS STIPULATED as a fact, that the Acting Chief of the Field Division, A. O. White, returned the said notice of application for patent in each of said applications, and covering the lands involved in this action, to the Register at Visalia, California, and

upon each of the notices of application for patent so returned, the said Acting Chief of Field Division, A. O. White, stamped thereon a printed statement in red ink (the underlined portions thereof being written in black ink), which read as follows: [19]

“PROTEST

against the validity of this
entry is filed in this office.

A. O. White

Acting Chief of Field Division

Jan. 31, 1912.

(Date).”

IT IS STIPULATED that said notices so returned, were received by the Register on February 2d, 1912.

IT IS FURTHERMORE STIPULATED to be a fact that the records of the Land Office show that there were no adverse claims, other than that of the United States, or third parties claiming any rights to the lands involved in this action and involved in the said applications for patents hereinabove referred to and set forth herein.

IT IS FURTHER STIPULATED as a fact that on the 13th day of February, 1907, O. D. Barton, J. N. Hoyt, H. J. Light, W. B. Wallace, W. F. Hall, J. W. McCord, J. H. Butts and F. R. Hight, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the northwest quarter (NW $\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon

under the laws of the United States relating to the location of lands usually known as "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M. in Book 40 of Mineral Records, page 240, a true copy of which said notice of location is set forth in Exhibit "A," but the plaintiff by this stipulation does [20] not admit that said location or the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day of February, 1907, Adolph Levis, Wm. Linderman, R. C. Hardin, S. W. Hall, F. T. Hall, W. B. Wallace, Seth Smith and C. A. Butts, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the southeast quarter ($SE\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the County of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907,

at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records, page 293, a true copy of which said notice of location is set forth in Exhibit "B," but the plaintiff by this stipulation does not admit that said location of the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day of February, 1907, H. Widmer, J. H. Butts, J. W. McCord, J. N. Hoyt, J. Gillespie, A. R. Orr, H. J. Light and W. B. Wallace, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the northwest quarter (NW $\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as [21] "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records page 292, a true copy of which said notice of location is set forth in Exhibit "E," but the plaintiff by this stipulation does not admit that said location or the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day of February, 1907, H. J. Hoyt, F. R. Hight, L. M. Fredricks, A. R. Orr, H. Widmer, C. A.

Butts, Sarah McCord and W. B. Wallace, each and all of whom were and then and there citizens of the United States, did enter upon and take possession of the northeast quarter ($NE\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as "placers," and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records, page 287, a true copy of which said notice of location is set forth in Exhibit "C," but the plaintiff by this stipulation does not admit that said location or the notice thereof was legal and valid.

IT IS FURTHER STIPULATED as a fact that on the 14th day [22] of February, 1907, W. B. Wallace, J. H. Butts, J. W. McCord, H. J. Hoyt, A. R. Orr, F. R. Hight, John Anderson and H. Widmer, each and all of whom were then and there citizens of the United States, did enter upon and take possession of the southwest quarter ($SW\frac{1}{4}$) of section thirty-two (32), township twenty-six (26) south, range twenty-one (21), east, Mount Diablo Meridian, for the purpose of making a placer mining location thereon under the laws of the United States relating to the location of lands usually known as "placers,"

and did, in the carrying out of said purpose, post, in accordance with the laws relating thereto, a notice of location, and did file for record in the office of the County Recorder of the county of Kern, State of California, said notice of location, which said notice of location was duly recorded on the 23d day of February, 1907, at ten minutes past nine o'clock A. M., in Book 40 of Mineral Records, page 288, a true copy of which said notice of location is set forth in Exhibit "D," but the plaintiff by this stipulation does not admit that said location or the notice thereof was legal and valid.

That thereafter, and on the 18th day of March, 1909, said locators made, executed and delivered their deed, wherein and whereby they granted, bargained, sold and conveyed all of the lands involved in this suit, together with other lands, to the Lost Hills Mining Company, a corporation, one of the defendants in this action, and all of their right, title and interest therein; that hereto attached and marked Exhibit "P," and made a part of this stipulation, is a true and correct copy of the original deed just last above mentioned, which deed was duly recorded in the County Records of the county of Kern, State of California, on the 1st day of May, 1909, in Book 209 of Deeds at page 394.

IT IS FURTHER STIPULATED that the said defendant, Lost Hills Mining Company, was at all the times mentioned in this suit, [23] and now is, a corporation organized and existing under the laws of the State of California and authorized and empowered to locate mining claims upon the public

lands of the United States, under the provisions of Chapter 6, Title 32, of the Revised Statutes of the United States and that Act of Congress of February 11, 1897, Chapter 216, entitled "An act to Authorize the entry and patenting of lands containing petroleum and other mineral oils under the placer mining laws of the United States," and all acts amendatory thereof and supplementary thereto and under the provisions of said Acts of Congress and said laws of the United States to make application for and obtain patent therefor, and for any other mining claims which may have theretofore been granted, transferred, conveyed, sold and set over to it.

IT IS FURTHERMORE STIPULATED that at a regular meeting of the Lost Hills Mining Company, one of the defendants herein, held at the office of the Company at Hanford, California, April 10th 1909, there was passed a resolution authorizing the acceptance of the said deed mentioned above as Exhibit "P."

IT IS FURTHERMORE STIPULATED that the following is a true copy of a resolution passed by the Directors of the Lost Hills Mining Company, one of the defendants herein, at a meeting duly called and held at the office of the Company on July 8th, 1909, at Hanford, California:

"RESOLVED: That the contract heretofore entered into by the predecessors in interest of this Company with C. W. Barrett, for the development of the lands now owned by this Company in what is known as the 'Lost Hills,' in Kern County, and which contract was made in

the year 1908, did, by failure of said C. W. Barrett to comply with the provisions of said contract, terminate and end on July 2d, 1909, and that said Barrett has no interest in any of said lands by virtue of the said contract."

IT IS FURTHER STIPULATED that hereto attached and marked [24] Exhibit "Q," and made a part of this stipulation, is a true and correct copy of the agreement made and entered into on the 19th day of December, 1908, by and between all of the original locators of the lands involved in this action, parties of the first part, and Charles W. Barrett, of San Jose, California, party of the second part, which said contract was duly recorded on March 16th, 1909, in Book 18 of Agreements, page 134, Kern County Records.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "R," and made a part of this stipulation, is a true and correct copy of the original agreement made on the 27th day of October, 1909, by and between the Lost Hills Mining Company, a corporation, one of the defendants in this action, party of the first part, and J. D. Martin and E. R. Dudley, parties of the second part, the said contract covering, among other lands, the west half ($W\frac{1}{2}$) and southeast quarter ($SE\frac{1}{4}$) of section thirty (30), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "S," and made a part of this stipulation, is a true and correct copy of the original agreement made on the 27th day of October,

1909, by and between the Lost Hills Mining Company, a corporation, one of the defendants in this action, party of the first part, and J. D. Martin and E. R. Dudley, parties of the second part, covering and referring, among other lands, to all of section thirty-two (32), township twenty-six (26) south, range twenty-one (21) east, M. D. M., Kern County, California.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "Y," and made a part of this stipulation, is a true and correct copy of the original agreement made and entered into on the 8th day of November, 1909, by and between the Lost Hills Mining [25] Company, a corporation, one of the parties defendant in this action, and J. D. Martin and E. R. Dudley, covering the lands involved in this action.

IT IS FURTHER STIPULATED that hereto attached and marked Exhibit "U," and made a part of this stipulation, is a true and correct copy of the original agreement made and entered into on the 2d day of November, 1910, by and between the Lost Hills Mining Company, a corporation, one of the defendants in this action, and J. D. Martin and E. R. Dudley, and referring to the lands involved in this action.

IT IS FURTHER STIPULATED that on the 27th day of June, A. D. 1916, Franklin K. Lane, Secretary of the Interior of the United States, addressed to Joseph E. Redding, and that on or about July 1st, 1916, Joseph D. Redding, who is the same

person as Joseph E. Redding, referred to in said letter, received said letter, which is as follows, to wit:

“June 27, 1916.

Dear Mr. Redding:

I have considered the applications filed by you on behalf of the Lost Hills Mining Company and the Devil's Den Consolidated Oil Company for contracts under the Act of August 25, 1914 (38 Stat., 708), covering premises embraced in mineral applications by those Companies in Sections 30 and 32, T. 26 S., R. 21 E., Visalia land district.

Inasmuch as the tracts sought to be covered by these contracts are involved in suits brought by the Department of Justice to quiet title in the United States and for an accounting and receivership, and since recent advice from the Attorney General is to the effect that steps will be taken in the very near future for the appointment of a receiver, I am of the opinion that it would be inadvisable to enter into these contracts and therefore I am constrained to deny the applications.

Cordially yours,

(Sgd.) FRANKLIN K. LANE.

Mr. Joseph E. Redding,

Attorney at Law,

Crocker Building,

San Francisco, California.” [26]

IT IS FURTHER STIPULATED that hereto attached and marked Exhibits “V,” “W,” “X,” “Y” and “Z,” and made a part of this stipulation, are true and correct copies of the communications from the Commissioner of the General Land Office

to the Register and Receiver of the United States Land Office at Visalia, California, directing adverse proceedings against the applications for patent on the lands involved in this suit and of the notification by the Register to the defendants in the said suits following upon said direction of adverse proceedings.

IT IS FURTHERMORE STIPULATED that hereto attached and marked Exhibit "AA," is a true and correct copy of the answer filed by the Lost Hills Mining Company to the charges and the adverse proceedings last above mentioned, and covering the lands involved in this action.

IT IS FURTHERMORE STIPULATED that the said Exhibit "AA," although it only refers to one of the quarter sections involved in this action, is the same answer as has been filed covering the other quarter sections and all of the lands involved in this action, and can be taken as being a true and correct copy of each of the answers filed by the defendant, Lost Hills Mining Company, to said charges and to said adverse proceedings, except as to the description of the land and the number of the application.

IT IS FURTHERMORE STIPULATED that the said answers were filed and that the cases are at issue in the said land office in pursuance of said charges and said answers; that certain testimony has already been taken in said cases, and that the time within which testimony can be taken is still open and has not expired, and that there has been no final hearing upon said adverse proceedings in the said land office; and that upon the application for the appoint-

ment of a Receiver and temporary injunction and upon the motion to [27] dismiss on the ground of the lack of jurisdiction of this Court, either party may introduce any of the proceedings, documents, depositions and matters of record which have been taken and filed in the course of said contest and adverse proceedings. [28]

EXHIBIT "A."

Nov. 18, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431-679375.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County California.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States
Land Office, Visalia, California.

State of California,

County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,
upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the
age of twenty-one years, whose postoffice address is
Visalia, Tulare County, California, and that he is
the person duly designated, authorized and em-
powered by resolution of the Board of Directors of
the Lost Hills Mining Company, a corporation, to
make on its behalf all necessary affidavits and other
instruments in writing pertaining to an applica-
tion by said company for United States Patent to
the Lost Hills Placer Oil Mining Claim, as fully
appears from a duly certified copy of said resolu-
tion [30] filed with this application.

Company's Qualification and Address.

That the Lost Hills Mining Company is a corporation duly created, organized and existing under the laws of the State of California, and has its office and principal place of business in the City and County of San Francisco, State of California, and without the Land District in which the land involved in this application is situate; that its postoffice address is 221 Crocker Building, said City and County of San Francisco; that the directors of said corporation are each and all of them citizens of the United States.

Placer Location.

That on February 13, 1907, the NW. $\frac{1}{4}$ of Section 30, T. 26 S. R. 21 E., M. D. M., situate in the County of Kern, State of California, was public land of the United States, open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers," and lands chiefly valuable for petroleum, and on said date O. D. Barton, J. N. Hoyt, H. J. Light, W. B. Wallace, W. E. Hall, J. W. McCord, J. H. Butts and F. R. Hight, each and all of whom were then citizens of the United States, duly located said quarter section of land under the laws of the United States aforesaid as the Lost Hills Placer Mining Claim, as more fully appears by the duly certified copy of notice of location filed herewith, which is hereby referred to and made a part hereof.

Transfer to and Ownership of Company.

That thereafter and on March 18, 1909, the above named locators, by deed duly executed and delivered

to the said company conveyed the said placer mining claim and the land above described, and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all [31] of which more fully appears by the duly certified abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

Possession.

That ever since February 13, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company, the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

Development Work.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that said deposit of gypsum exists upon the whole of said land and is in the form of two layers, one about three feet thick and of pure, clean gypsum, and the other beneath the one just mentioned of a thickness of about sixty feet; that the layer last mentioned is not so pure as the one first mentioned but is about 60% gypsum in its formation.

That the work done in developing said deposit of gypsum consists of the excavation of 15 cuts of a

total aggregate length of 500 feet, varying in width from 3 feet to 9 feet, and in depth from 1 foot to 3 feet, the total excavation being about 7388 cubic feet; and also consists of removing surface soil from a deposit of said mineral having an area of 73800 square feet.

That in addition to said work the applicant placed on said land an oil well drilling outfit and thereafter drilled an [32] oil well thereon to the depth of about 527 feet.

That prior to and at the time of the passage and approval of an act of Congress entitled "An Act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910, Chapter 421, U. S. Statutes, page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location and work above mentioned and at said time the work of drilling said well was actually and actively being carried on upon said land under such *bona fide* claim of title thereto and was diligently continued to completion as aforesaid.

Mineral Developed.

That by the work done in the development of gypsum a deposit of said mineral has been developed of many thousand tons in quantity and of a high grade and fine quality for the various commercial uses that such mineral is put to, having a value of at least \$2.00 per ton, on the ground.

That in and by said well above mentioned a deposit of petroleum was developed which produces

petroleum at the rate of at least 200 barrels per day.
Expenditures.

That in the work of developing said land as aforesaid this applicant has expended or caused to be expended for its benefit at least \$600.00 in the development of the gypsum deposit thereon above mentioned, and the sum of at least \$5,000.00 in boring said well.

No Intervening Rights.

That between the date of the location of said land as aforesaid and the date of the discovery and development of the mineral deposits therein as above set forth, no rights of any sort whatever [33] adverse to those of the locators above named and of the Lost Hills Mining Company, a corporation, the applicant herein, attached to said land or any part thereof.

Rivers and Timber.

That the land described in this Application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass.

Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and

gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum of gypsum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of petroleum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon. [34]

Application for patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent to the land above described under the name of the

LOST HILLS PLACER OIL MINING CLAIM,
for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his

signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State
of California, Duly Commissioned and Sworn.

[35]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —

In the Matter, of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
OIL MINING CLAIM.

EMBRACING:

The NW. ¼ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

SUPPLEMENTAL AND CORROBORATIVE
AFFIDAVIT.

State of California,
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the general superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as general superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.

That in the manufacture of cement gypsum is employed for regulating the set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum and obtain their supply from Mound House, Nevada, for the plant of the Standard [36] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last-mentioned deposit of gypsum was of a quality that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds, and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be 92.62% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said Section 30 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement. [37]

That affiant from the sample above mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land, has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from Sections 30 and 32, T. 26 S., R. 21 E. M. D. B & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to

establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, duly Commissioned and Sworn.

[38]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the LOST HILLS PLACER
OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M.
D. M., Kern County, California.

NOTICE OF LOCATION.

(See next page.) [39]

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given, that the undersigned citizen of the United States in compliance with the requirements of the Revised Statutes of the United States have this day located the following described placer mining ground, viz.:

The Northwest quarter Section 30 Township 26 South, Range 21 East, M. D. B. M., situate in the Lost Hills Mining District, County of Kern, State of Calif.

This claim shall be known as the Lost Hills Placer Mining Claim.

Located 13th day of February, 1907.

O. D. BARTON.

J. M. HOYT.

H. J. LIGHT.

W. B. WALLACE.

W. E. HALL.

J. W. McCORD.

J. H. BUTTS.

F. R. HIGHT.

I hereby certify the above and foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M., Chas. A. Lee, Recorder.

State of California,
County of Kern.

I, Chas. A. Lee, County Recorder of said county, do hereby certify that the annexed is a whole, true, and correct copy of an original as will appear by reference to Book 40 of Mining Records, p. 290, now

in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 6th day of May, A. D. 1911.

CHAS. A. LEE,
Recorder in and for the County of Kern, California.

By _____,
Deputy.

[Official Seal County Recorder, Kern Co.; Cal.]

[40]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the LOST HILLS PLACER
OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M.
D. M., Kern County, California.

CERTIFIED COPY OF ARTICLES OF
INCORPORATION.

No. 18233

Frank C. Jordan,
Secretary of State.

Frank H. Cory,
Deputy.

STATE OF CALIFORNIA.

DEPARTMENT OF STATE.

I, Frank C. Jordan, Secretary of State of the State of California do hereby certify that I have carefully compared the annexed copy of Articles of Incorporation of

LOST HILLS MINING COMPANY

with the certified copy of the original now on file in my office, and that the same is a correct transcript therefrom, and of the whole thereof. Also that this authentication is in due form and by the proper officer.

WITNESS my hand and the Great Seal of State, at office in Sacramento, California, the 15th day of July, A. D. 1911.

[Seal of State of California.]

FRANK C. JORDAN,

Secretary of State.

By Frank H. Cory,

Deputy. [41]

ARTICLES OF INCORPORATION
of the

KNOW ALL MEN BY THESE PRESENTS:
That we, the undersigned, a majority of whom are citizens and residents of the State of California, have this day voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of California.

AND WE HEREBY CERTIFY, First: That the name of said corporation shall be

LOST HILLS MINING COMPANY.

Second: That the purpose for which it is formed are to locate, acquire, hold and work, buy, sell, lease, mortgage and deal in mines, mining claims, mineral lands, and other real property; to bore for and develop, produce, buy, and sell and deal in gas and gas wells, oil and oil wells, petroleum, minerals and the products thereof; and to buy, sell, lease, erect, construct, maintain, operate, hypothecate, mortgage, and deal in, all kinds of building structures, works, machinery, tools, appliances and outfits required therefor; to develop, buy, sell, lease, mortgage and deal in, water and water rights; to buy, sell, lease, mortgage and deal in, rights of way, pipe-lines, easements and franchises; to conduct gas, oil and water through pipe-lines and otherwise; to acquire, buy, sell, and deal in, shares of stock and bonds and interests of other corporations and corporate properties; to borrow and loan money; to acquire, buy, sell, lease, mortgage, bond, hypothecate, exchange, issue bonds on, and deal in, real and personal property of every description; and to deal in and with all kinds of property necessary in the transaction of the business of this corporation, [42] as well as in the business of general merchandizing, and to do all things necessary therefor, and to transact such other and further business as its directors may from time to time determine; also to construct, maintain and operate telephone lines.

Third: That the place where the principal business of said corporation is to be transacted is Hanford, Kings County, California.

Fourth: That the term for which said corporation is to exist is fifty years from and after the date of its incorporation.

Fifth: That the number of Directors or Trustees of said corporation shall be seven, and that the names and residences of the Directors or Trustees who are appointed for the first year and to serve until the election and qualification of such officers are as follows, to wit:

| Names | Whose residence is at |
|---------------|-----------------------|
| J. H. Butts | Hanford, California. |
| A. R. Orr | Visalia, “ |
| O. D. Barton | Dudley, “ |
| John Anderson | Hanford, “ |
| W. B. Wallace | Visalia, “ |
| H. J. Light | Lemoore, “ |
| Wm. Lindemann | Hanford, “ |

Sixth: That the amount of the Capital Stock of the said corporation is Thirty-six thousand eight hundred dollars and the number of shares into which it is divided is Thirty-six thousand eight hundred of the par value of One Dollar each.

Seventh: That the amount of said Capital Stock which has been actually subscribed is Seven Dollars, and the following are the names of the persons by whom the same has been subscribed, to wit:

| Names of Subscribers. | No of Shares. | Amount. |
|-----------------------|---------------|---------|
| J. H. Butts | One share | \$1.00 |
| A. R. Orr | One “ | 1.00 |
| O. D. Barton | One “ | 1.00 |
| H. J. Light | One “ | 1.00 |

| Names of Subscribers. | No of Shares. | Amount. |
|-----------------------|---------------|---------|
| John Anderson | One “ | 1.00 |
| Wm. Lindemann | One “ | 1.00 |
| W. B. Wallace | One “ | 1.00 |

(Back of page 16.) [43]

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 27th day of February, 1909, A. D.

A. R. ORR. (Seal)

H. L. LIGHT. (Seal)

O. D. BARTON. (Seal)

J. H. BUTTS. (Seal)

JOHN ANDERSON. (Seal)

WM. LINDEMANN. (Seal)

W. B. WALLACE. (Seal)

Signed and sealed in the presence of

GEO. L. BLISS.

State of California,

County of Kings,—ss.

On this 27th day of February, in the year one thousand nine hundred and nine (1909) before me, George L. Bliss, a Notary Public in and for said County of Kings, State of California, residing therein, duly commissioned and sworn, personally appeared A. R. Orr, H. J. Light, O. D. Barton, J. H. Butts, John Anderson, Wm. Lindemann and W. B. Wallace, known to me to be the persons described herein, whose names are subscribed to, and who executed the within instrument, and they acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal in the said County of

Kings, the day and year in this certificate first above written.

[Notarial Seal] GEO. L. BLISS,
Notary Public in and for said County of Kings,
State of California.

State of California,
County of Kings,—ss.

I, Francis Cunningham, County Clerk of the County of Kings, State of California, do hereby certify the within to be a full and correct copy of Articles of Incorporation of Lost Hills Mining Company as remains on file in this office.

In Witness Whereof, I have hereunto set my hand and affixed my official Seal, this 5th day of March, A. D. 1909.

[Seal] FRANCIS CUNNINGHAM,
Clerk.

By _____,
Deputy Clerk.

[Endorsed]: Filed Mar. 5th, 1909. Francis Cunningham, Clerk.

[Endorsed]: Filed in the Office of the Secretary of State the 12th day of Mar. A. D. 1909.

C. F. CURRY,
Secretary of State.

By J. Hoesch,
Deputy.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the LOST HILLS PLACER
OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M.
D. M., Kern County, California.

RESOLUTION APPOINTING AGENT.

WHEREAS, this corporation, the Lost Hills Mining Company, a corporation duly organized under the laws of the State of California, is the owner of certain oil placer mining claims in the County of Kern, State of California, for which it desires and is about to apply for United States patent; and—

WHEREAS, the principal place of business of this corporation is the City and County of San Francisco, State of California, and without the United States Land District in which said mining claims are situate;

Now, Therefore,

BE IT RESOLVED: That O. D. Barton, who is a citizen of the United States, over the age of twenty-one years, be and he is hereby, appointed the agent of this Company for the purpose of making applications for United States patent to the mining claims owned by this company, and he is hereby authorized and empowered to make, execute, sign and verify any and all instruments in writing necessary

to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the [45] Interior of the United States in connection with and pertaining to such patent proceedings for and on behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting Secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said Company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company the 2d day of June, 1911.

JAMES H. CAMERON,

Secretary.

[Corporate Seal of Lost Hills Mining Company.]

[46]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the LOST HILLS PLACER
OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

PROOF OF IMPROVEMENTS.

State of California,

County of Tulare,—ss.

O. D. Barton, being duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and that he is the person designated and duly authorized and empowered by resolution of the Board of Directors of the Lost Hills Mining Company, a corporation, to make on behalf of said company all affidavits and to execute any and all instruments in writing pertaining to the application by said company for United States Patent to the Lost Hills Placer Oil Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described, as more particularly appears by the certified copy of resolution of the Board of Directors of said company on file herewith.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that said deposit of gypsum exists upon the whole of [47] said land and is in the form of two layers, one about three feet thick and of pure, clean gypsum, and the other beneath the one just mentioned of a thickness of about sixty feet; that the layer last mentioned is not so pure as the one first mentioned but is about 60% gypsum in its formation.

That the work done in developing said deposit of gypsum consists of the excavation of 15 cuts of a total aggregate length of 500 feet, varying in width

from 3 feet to 9 feet and in depth from 1 foot to 3 feet, the total excavation being about 7388 cubic feet; and also consists of removing surface soil from a deposit of said mineral having an area of 73,800 square feet.

That in addition to said work the applicant, placed on said land an oil well drilling outfit and thereafter drilled an oil well thereon to the depth of about 527 feet.

By the work done in the development of gypsum a deposit of said mineral has been developed of many thousand tons in quantity and of a high grade and fine quality for the various commercial uses that such mineral is put to, having a value of at least \$2.00 per ton, on the ground.

That in and by said well above mentioned a deposit of petroleum was developed which produces petroleum at the rate of at least 200 barrels per day.

That in the work of developing said land as afore-said, this applicant has expended or caused to be expended for its benefit at least \$600.00 in the development of the gypsum deposit thereon above mentioned, and the sum of at least \$5,000.00 in boring said well.

O. D. BARTON. [48]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his

signature was affixed thereto and oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State
of California, Duly Commissioned and Sworn.

[49]

CORROBORATION BY TWO DISINTER-
ESTED WITNESSES.

State of California,

County of Tulare,—ss.

Earl Northrup and J. N. Young, each for himself
and not one for the other, being first duly sworn ac-
cording to law, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and not interested in the
application for patent made by the Lost Hills Min-
ing Company for the Lost Hills Placer Oil Mining
Claim, covering the NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R.
21 E., M. D. M., Kern County, California.

That he is familiar with said land and the whole
thereof, having been upon and over the same fre-
quently, and knows what work and improvements
the said applicant has caused to be done and made
thereupon; that he has read the foregoing affidavit
of O. D. Barton and knows the contents thereof; that
the said affidavit correctly states and describes the
work and improvements upon the land hereinbefore
described; that the drilling outfit and well mentioned
in said affidavit are actually upon the ground and
that said work and improvements cost at least as

much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHRUP.

J. N. YOUNG,

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[50]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M. Kern County, California.

AFFIDAVIT OF NONEXISTENCE OF LODGE
OR VEIN.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and that he is the person designated and duly authorized and empowered by resolution of the Board of Directors of the Lost Hills Mining Company, a corporation, to make on behalf of said company all affidavits and to execute any and all instrument in writing pertaining to the application by said company for United States Patent to the Lost Hills Placer Oil Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described as more particularly appears by the certified copy of resolution of the Board of Directors of said Company on file herewith.

That the affiant is now and for a long time prior hereto has been thoroughly familiar with the NW. $\frac{1}{4}$ of Section 30, T. 26 S., [51] R. 21 E., M. D. M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That this affiant makes this affidavit on behalf of the applicant above-named, the Lost Hills Mining Company, a corporation.

O. D. BARTON,

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing

affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State
of California, Duly Commissioned and Sworn.

[52]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

AFFIDAVIT OF DISINTERESTED WIT-
NESSES OF NONEXISTENCE OF LODGE
OR VEIN.

State of California,
County of Tulare,—ss.

Earl Northrup and J. N. Young, being each duly
sworn according to law each for himself upon his
oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and not interested in any
way in the land involved in this application nor in
any part thereof.

That affiant is now and for a long time prior hereto has been thoroughly familiar with the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., in Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other, rock in place bearing gold, silver, copper, cinnabar, or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHRUP.

J. N. YOUNG. [53]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[54]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

PROOF OF POSTING NOTICE UPON CLAIM.

State of California,

County of Kern,—ss.

W. L. McLaine and F. M. Anderson, each for himself and not one for the other, being first duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the 3 day of November, A. D., 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States Patent for the Lost Hills Placer Oil Mining Claim, embracing the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., was posted upon the ground.

That said notice was so posted and in such a conspicuous place upon said placer oil mining claim at and upon the derrick over the oil well upon said claim that said notice could be easily and readily seen and examined.

A copy of said notice so posted upon said claim as aforesaid is hereto attached, hereby referred to and made a part of this affidavit.

W. L. McLAINE,

F. M. ANDERSON. [55]

Subscribed and sworn to before me this 3rd day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and

examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

H. C. KATZE,

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.

[56]

NOTICE OF APPLICATION FOR PATENT.

(Not Coal Land.)

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

NOTICE IS HEREBY GIVEN, that pursuant to the laws of the United States relating to the sale of lands commonly called "Placers" and in accordance with the rules and regulations promulgated under such laws, the LOST HILLS MINING COMPANY, a Coropration, whose post office address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the LOST HILLS PLACER OIL MINING CLAIM, situate in the County of Kern, State of California, embracing the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern, in Book 40 of Mining Records, Page 290.

Said claim contains an area of 161.85 acres, and no claims adjoin said mining claim which conflict therewith, as said claim and others adjacent thereto are located in accordance with the United States survey of said land.

POSTED on the ground this 3rd day of November,
LOST HILLS MINING COMPANY.

By O. D. BARTON,
Its Duly Authorized Agent.

Witnesses to Posting:

W. L. McLAINE,
F. M. ANDERSON. [57]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

PUBLISHER'S CONTRACT.

State of California,
County of Kern,—ss.

The undersigned, the editor and publisher of the
“Delano Record,” a weekly newspaper published in
Delano, Kern County, California, hereby agrees to
publish the Notice of Intention of the Lost Hills
Mining Company, a corporation, to apply for patent
to the Lost Hills Placer Oil Mining Claim, as re-
quired by Act of Congress approved May 10, 1872,
and Amendments thereof, and the Act of Congress
relating to the sale and disposition of public lands

chiefly valuable for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication. [58]

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,
Editor and Publisher. [59]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

AUTHORITY TO SEND NOTICES.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Company, a corporation, the applicant in the above-entitled and numbered application, hereby authorizes you or either of you, to send all notices concerning said ap-

plication to U. T. Clotfelter, attorney at law, 409 Kerckhoff Building, Los Angeles, California, and agrees that notices so sent shall be deemed to be notices to the undersigned.

Dated November 10th, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [60]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY NO. 03431-679643.

In the Matter of the Application of the LOST HILLS MINING COMPANY, a Corporation, for Patent to the LOST HILLS PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California. 161.85
acres

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

PROOF OF CONTINUOUS POSTING.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, deposes and says:

That he is a citizen of the United States over the age
of twenty-one years, and is duly authorized to act for
and on behalf of the applicant above named, as is
shown by the duly certified copy of resolution of said
company conferring said authority upon him, on file
in the above-entitled proceeding.

That the notice of intention of the applicant herein
to apply for patent for the

LOST HILLS PLACER OIL MINING CLAIM,
embracing the lands hereinbefore described, was
posted upon said mining claim, on the 3d day of No-
vember, 1911, as is fully set forth and described in
the affidavit of W. L. McLaine and F. M. Anderson,
dated the 3d day of November, 1911, which affidavit

was duly filed in the office of the Register of the United States Land [62] Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuous and conspicuously posted upon said mining claim from the 3d day of November, A. D. 1911, to and including the 15th day of February, A. D. 1912, including the sixty day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON,

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.
[63]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M.
D. M., Kern County, California.

PROOF OF PUBLICATION OF NOTICE.

State of California,
County of Kern,—ss.

(Here is a newspaper clipping which is verbatim the same as Notice of Application for Patent herein given signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California.)

C. H. Seiders, being duly sworn, deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing of all notices received from the above-entitled Land Office; that the annexed notice was published in the "Delano Record," a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 23d day of November, 1911 and the last publication [64] being on the 25th day of January, 1912.

C. H. SEIDERS.

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his

name was subscribed thereto.

[Seal] W. B. TIMMONS,
Notary Public in and for the County of Kern, State
of California, Duly Commissioned and Sworn.
[65]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M.
D. M., Kern County, California.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, LOST HILLS MINING COMPANY, a corporation, under the provisions of the Revised Statutes of the United States, Chapter VI, Title 32, and legislation of Congress supplemental thereto, hereby applies to purchase that certain placer mining claim known as the Lost Hills Placer Oil Mining Claim, embracing the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., containing 160 acres according to the system of public lands survey of the United States, and hereby agrees to pay therefor the sum of \$400.00 being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [66]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant that the area of said claim of 160 acres and that the legal price thereof is \$400.00.

Dated February, 1912.

Register. [67]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the LOST HILLS
PLACER OIL MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M.
D. M., Kern County, California.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to
law, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and is duly authorized to
act for and on behalf of the applicant above named,

as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above entitled and numbered application the applicant has paid the sums of money following:

| | |
|--|----------|
| To the Register and Receiver for filing appli- | |
| cation for patent | \$ 10.00 |
| For publication of Notice of Application.... | 25.00 |
| For purchase price of land | 400.00 |

Total.....\$435.00

O. D. BARTON. [68]

Subscribed and sworn to before me this 24th day of February, A. D., 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him, before his name was subscribed thereto.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[69]

NOTICE OF APPLICATION FOR PATENT.

Nov. 18, 1911.

03431

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03431.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under

such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States for the

LOST HILLS PLACER OIL MINING CLAIM, situate in the County of Kern, State of California, embracing the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern in Book 40 of Mining Records, page 240.

Said claim contains an area of 161.85 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,
Register.

Date of first publication Nov. 20, 1911, A. D. 1911.
[70]

Feb. 29, 1912. 4-229. 03431.

CERTIFICATE THAT NOTICE REMAINED
POSTED SIXTY DAYS.

UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice, of which the attached notice is a copy of application No. 03431 by Lost Hills Mining Company for a patent for the Lost Hills Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 20th day of No-

vember, A. D. 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. SEWART,
Register. [71]

Received.

Feb. 2, 1912. Nov. 21, 1911. 03431.

Second Field Division.

NOTICE OF APPLICATION FOR PATENT.
IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY —.

November 20, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States patent for the

LOST HILLS PLACER OIL MINING CLAIM
situate in the County of Kern, State of California,
embracing the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21
E., M. D. M., location notice of which is recorded in
the office of the Recorder of said County of Kern in
Book 40 of Mining Records, page 240.

Said claim contains an area of 161.85 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,
Register.

Date of first publication Nov. 20, 1911, A. D. 1911.
(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST
against the validity of this entry is filed in this office,
A. O. White
Acting Chief of Field Division
(Date.) Jan. 31, 1912. [72]

EXHIBIT "B."

Nov. 18, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432—679374.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.,
Kern County, California.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.,
Kern County, California.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States
Land Office, Visalia, California.

State of California,
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,
upon his oath deposes and says :

Affiant's Authority and Address.

That he is a citizen of the United States over the
age of twenty-one years, whose postoffice address is
Visalia, Tulare County, California, and that he is the
person duly designated, authorized and empowered
by resolution of the Board of Directors of the Lost
Hills Mining Company, a Corporation, to make on
its behalf all necessary affidavits and other instru-
ments in writing pertaining to an application by said
company for United States Patent to the Lost Hills
Placer Oil Mining Claim, as fully appears from a
duly certified copy of said resolution filed with this
application. [74]

Company's Qualification and Address.

That the Lost Hills Mining Company is a corpora-
tion duly created, organized and existing under the
laws of the State of California, and has its office and
principal place of business in the City and County of
San Francisco, State of California, and without the
Land District in which the land involved in this ap-
plication is situate; that its post office address is 221
Crocker Building, said City and County of San
Francisco; that the directors of said corporation are
each and all of them citizens of the United States.

Placer Location.

That on February 14th, 1907, the SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., situate in the County of Kern, State of California, was public land of the United States, open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers," and land chiefly valuable for petroleum, and on said date Adolph Levis, Wm. Linderman, R. C. Hardin, S. W. Hall, F. T. Hall, W. B. Wallace, Seth Smith, and C. A. Butts, each and all of whom were then citizens of the United States, duly located said quarter section of land under the laws of the United States aforesaid, as the Signal Placer Mining Claim, as more fully appears by the duly certified copy of Notice of Location, filed herewith, which is hereby referred to and made a part hereof.

Transfer to and Ownership of Company.

That thereafter and on March 18, 1909, the above named locators by deed duly executed and delivered to said company conveyed the said placer mining claim and the land above described, and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified abstract of title on file [75] in this proceeding, which is hereby referred to and made a part hereof.

Possession and Development Work.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company,

the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

That in the year 1908 two excavations were made upon said land near the northeast corner thereof—one eight feet wide, 12 feet long and 7 feet deep; and another 20 feet wide, 50 feet long and 3 feet deep.

That in the year 1909 by means of a team, plow and scraper an excavation was made upon the said land of about an acre in area.

That in 1910 a large amount of work was done in the way of excavating gypsum from the said land and in the months of July and August, 1911, the applicant in further developing said gypsum excavated therein five cuts or trenches of an aggregate length of 537 feet in length, 8 feet in width and about 2 feet in depth and also by removing the earth from a portion of said deposit having an area of 138,000 square feet.

That the applicant caused to be erected upon said land a complete oil well drilling outfit consisting of a derrick, boiler, engine and other tools and equipment usually used in the drilling of wells for the production of petroleum, [76] and thereupon and thereafter commenced the work of drilling a well on said land for the development of petroleum thereon and prosecuted the work of drilling such well diligently to the depth of about 835 feet.

Mineral Developed.

That by the said excavations and other prospect work there was and is disclosed a body of pure gypsum three feet thick and in blanket formation lying just beneath the surface of the land and extending over the whole of the SE. $\frac{1}{4}$ of said Section 30; and also another strata of gypsum about 60% pure of a thickness of 60 feet.

That on said land there has been developed by applicant many thousand tons of gypsum of a high grade and fine quality for the various commercial uses that such mineral is put to, the market value of which is \$2.00 per ton on the ground.

That the well drilled as aforesaid produces petroleum at the rate of 200 barrels per day.

Expenditures.

That in the work of development of gypsum aforesaid there has been expended upon said land by the applicant more than \$1000.00; that in the drilling of the well aforesaid it has expended more than \$10,000.00.

No Intervening Rights.

That between the date of the location of said land as aforesaid and the date of the discovery and development of the deposits of gypsum and petroleum therein as above set forth, no rights of any sort whatever adverse to those of the locators above named and of the Lost Hills Mining Company, a corporation, the applicant herein, attached to said land or any part thereof.

Rivers and Timber.

That the land described in this application is sit-

uate in a dry and arid [77] portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass.

Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing gypsum and petroleum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of gypsum developed thereon as aforesaid and deposits of petroleum therein as aforesaid, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon.

Application for Patent.

That upon the fact and for the reasons hereinbe-

fore stated affiant hereby makes application for United States Patent for the land above described under the name of the

SIGNAL PLACER MINING CLAIM.

for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON. [78]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare,
State of California, duly Commissioned and
Sworn. [79]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the SIGNAL PLACER MIN-
ING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

SUPPLEMENTAL AND CORROBORATIVE
AFFIDAVIT.

State of California,
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the general superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as general superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.

That in the manufacture of cement, gypsum is employed for regulating its set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum and obtain their supply from Mound House, Nevada, for the plant of the Standard Company, and from near Kings City, California, for the plant of the [80] Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the SE. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last-mentioned deposit of gypsum was of a quality

that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be 59.63% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said Section 30 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement.

That affiant from the sample above mentioned and numerous [81] others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits

instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from Sections 30 and 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the SIGNAL PLACER MIN-
ING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given that the undersigned citi-
zens of the United States in compliance with the
requirements of the Revised Statutes of the United
States, have this day located the following described
placer-mining ground, viz.:

The southeast quarter of Sec. 30, Township 26
South, Range 21 East, M. D. B. & M., situate in the
Lost Hills Mining District, County of Kern, State of
Calif.

This claim shall be known as the Signal Placer
Mining Claim.

Located 14th day of February, 1907.

ADOLPH LEVIS.

WM. LINDERMAN.

R. C. HARDIN.

S. W. HALL.

F. T. HALL.

W. B. WALLACE.

SETH SMITH.

C. A. BUTTS.

I hereby certify the foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M., Chas. A. Lee, Recorder.
[83]

State of California,
County of Kern.

I, Chas. A. Lee, County Recorder of said County, do hereby certify that the annexed is a whole, true, and correct copy of an original, as will appear by reference to Book 40 of Mining Records, p. 293, now in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 25th day of October, A. D. 1911.

CHAS. A. LEE,

Recorder in and for the County of Kern, California.

By _____,

Deputy.

[Official Seal County Recorder, Kern Co., Cal.]

[84]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the SIGNAL PLACER MIN-
ING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

CERTIFIED COPY OF ARTICLES OF
INCORPORATION.

(Here appears a certified copy of Articles of Incorporation of the Lost Hills Mining Company, which is identically the same as the copy of the certified Articles of Incorporation as appears in Exhibit "A," with the exception that the certificate of the Secretary of State is numbered 19,372 instead of 18,233, is dated the 2d day of November, 1911, is signed by Frank C. Jordan, Secretary of State, personally, and is numbered in the application for patent herein, pages 15, 16, 17, 18 and 19.) [85]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the SIGNAL PLACER MIN-
ING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.,
Kern County, California.

RESOLUTION APPOINTING AGENT.

WHEREAS, this corporation, the Lost Hills Mining Company, a corporation duly organized under the laws of the State of California, is the owner of certain oil placer mining claims in the County of

Kern, State of California, for which it desires and is about to apply for United States patent; and—

WHEREAS, the principal place of business of this corporation is the City and County of San Francisco, State of California; and without the United States Land District in which said mining claims are situate;

NOW, THEREFORE, BE IT RESOLVED:

That O. D. Barton, who is a citizen of the United States, over the age of twenty-one years, be and he is hereby appointed the agent of this company for the purpose of making applications for United States patent to the mining claims owned by this company, and he is hereby authorized and empowered to make, execute, sign and verify any and all instruments in writing necessary to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the Interior of the United States in connection with and pertaining to such patent [86] proceedings for and on the behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting Secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said Company.

IN WITNESS WHEREOF, I have hereunto set

my hand and affixed the seal of said Company the 2d day of June, 1911.

JAMES H. CAMERON,
Secretary.

[Corporate Seal of Lost Hills Mining Company.]

[87]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY a Corporation,
for Patent to the SIGNAL PLACER MIN-
ING CLAIM.

EMBRACING:

The SE $\frac{1}{4}$ of Sec. 30 T. 26 S., R. 21 E., M. D. M.,
Kern County, California.

PROOF OF IMPROVEMENTS.

State of California,
County of Tulare,—ss.

O. D. Barton, being duly sworn, according to law,
upon his oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and that he is the person
designated and duly authorized and empowered by
resolution of the Board of Directors of the Lost Hills
Mining Company, a corporation, to make on behalf
of said company all affidavits and to execute any and
all instruments in writing pertaining to the applica-

tion by said company for United States Patent to the Signal Placer Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described, as more particularly appears by the certified copy of resolution of the Board of Directors of said company on file herewith.

That in the year 1908 two excavations were made upon said land near the northeast corner thereof—one 8 feet wide, 12 feet long and 7 feet deep; and another 20 feet wide, 50 feet long and [88] 3 feet deep.

That in the year 1909 by means of a team, plow and scraper an excavation was made upon the same land of about an acre in area.

That in 1910 a large amount of work was done in the way of excavating gypsum from the said land and in the months of July and August, 1911, the applicant in further developing said gypsum excavated therein five cuts or trenches of an aggregate length of 537 feet in length, 8 feet in width and about 2 feet in depth and also by removing the earth from a portion of said deposit having an area of 138,000 square feet.

That the applicant caused to be erected upon said land a complete oil well drilling outfit consisting of a derrick, boiler, engine and other tools and equipment usually used in the drilling of wells for the production of petroleum, and thereupon and thereafter commenced the work of drilling a well on said land for the development of petroleum thereon and prosecuted the work of drilling such well diligently to the depth of about 835 feet.

That by said excavations and other prospect work there was and is disclosed a body of pure gypsum there feet thick and in blanket formation lying just beneath the surface of the land and extending over the whole of the SE. $\frac{1}{4}$ of said Section 30; and also, another strata of gypsum about 60% pure of a thickness of 60 feet.

That on said land there has been developed by applicant many thousand tons of gypsum of a high grade and fine quality for the commercial uses that such mineral is put to, the market value of which is \$2.00 per ton on the ground.

That the well drilled as aforesaid produces petroleum at the rate of 200 barrels per day. [89]

That in the work of the development of gypsum aforesaid there has been expended upon said land by the applicant more than \$1,000.00; that in the drilling of the well aforesaid it has expended more than \$10,000.00.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[90]

CORROBORATION BY TWO DISINTER-
ESTED WITNESSES.

State of California,
County of Tulare,—ss.

Earl Northrop and J. N. Young, each for himself and not one for the other, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and not interested in the application for patent made by the Lost Hills Mining Company for the Signal Placer Mining Claim, covering the SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., Kern County, California.

That he is familiar with said land and the whole thereof, having been upon and over the same frequently, and knows what work and improvements the said applicant has caused to be done and made thereupon; that he has read the foregoing affidavit of O. D. Barton and knows the contents thereof; that the said affidavit correctly states and describes the work and improvements upon the land hereinbefore described; that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that said work and improvements cost at least as much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHROP.

J. N. YOUNG.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above de-

ponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[91]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST HILLS
MINING COMPANY, a Corporation, for
Patent to the SIGNAL PLACER MINING
CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.,
Kern County, California.

AFFIDAVIT OF NONEXISTENCE OF LODE
OR VEIN.

State of California,
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,
upon his oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and that he is the person
designated and duly authorized and empowered by
resolution of the Board of Directors of the Lost Hills
Mining Company, a corporation, to make on behalf
of said company all affidavits and to execute any and

all instruments in writing pertaining to the application by said company for United States Patent to the Signal Placer Mining Claim, situate in the County of Kern, State of California, embracing the land hereinbefore described, as more particularly appears by the certified copy of resolution of the Board of Directors of said company on file herewith.

That affiant is now and for a long time prior hereto has been thoroughly familiar with the SE. $\frac{1}{4}$ of Section 30, T. 26 S., R. [92] 21 E., M. D. M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That this affiant makes this affidavit on behalf of the applicant above-named, the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST HILLS
MINING COMPANY, a Corporation, for
Patent to the SIGNAL PLACER MINING
CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.,
Kern County, California.

AFFIDAVIT OF DISINTERESTED WIT-
NESSES OF NONEXISTENCE OF LODGE
OR VEIN.

State of California,
County of Tulare,—ss.

Earl Northrop and J. N. Young, being each duly
sworn according to law each for himself upon his
oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and not interested in any
way in the land involved in this application or in any
part thereof.

That affiant is now and for a long time prior hereto
has been thoroughly familiar with the SE. $\frac{1}{4}$ of Sec-
tion 30, T. 26 S., R. 21 E., M. D. M., in Kern County,
California, having been upon and over the same fre-
quently.

That no known lode or vein of quartz or other rock
in place bearing gold, silver, copper, cinnabar or

other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHROP,
J. N. YOUNG. [94]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[95]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST HILLS
MINING COMPANY, a Corporation, for
Patent to the SIGNAL PLACER MINING
CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.,
Kern County, California.

PROOF OF POSTING NOTICE UPON CLAIM.

State of California,
County of Kern,—ss.

W. L. McLaine and F. M. Anderson each for himself and not one for the other, being first duly sworn according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the 3d day of November, A. D. 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States patent for the Signal Placer Mining Claim, embracing the SE. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., was posted upon the ground.

That said notice was posted and in such a conspicuous place upon said placer oil mining claim at and upon the derrick over the ——— said claim that said notice could be easily and readily seen and examined.

A copy of said notice so posted upon said claim as aforesaid is hereto attached, hereby referred to and made a part of this affidavit.

W. L. McLAINE.

F. M. ANDERSON. [96]

Subscribed and sworn to before me this 3d day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were

affixed thereto and the oath made by them.

[Seal]

H. C. KATZE,

Notary Public in and for the County of Tulare, State
of California, Duly Commissioned and Sworn.

[97]

NOTICE OF APPLICATION FOR PATENT.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

NOTICE IS HEREBY GIVEN that pursuant to the laws of the United States relating to the sale of lands commonly called "Placers" and in accordance with the rules and regulations promulgated under such laws, the LOST HILLS MINING COMPANY, a Corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

SIGNAL PLACER MINING CLAIM.

situate in the County of Kern, State of California, embracing the SE. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern, in Book 40 of Mining Records, Page 293.

Said mining claim contains an area of 160 acres, and no claims adjoin said mining claim which conflict therewith, as said claim and other adjacent thereto are located in accordance with the United States survey of said land.

POSTED on the ground this 3d day of November,
A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent.

Witnesses to posting:

W. L. McLAINE.

F. M. ANDERSON. [98]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

PUBLISHER'S CONTRACT.

State of California,
County of Kern,—ss.

The undersigned the Editor and Publisher of the
“Delano Record,” a weekly newspaper published in
Delano, Kern County, California, hereby agrees to
publish the Notice of Intention of the Lost Hills
Mining Company, a corporation, to apply for patent
to the Signal Placer Mining Claim, as required by
Act of Congress approved May 10, 1872, and Amend-
ments thereof, and the Act of Congress relating to
the sale and disposition of public lands chiefly valu-

able for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication.

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,
Editor and Publisher. [99]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

AUTHORITY TO SEND NOTICES.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Company, a corporation, the applicant in the above-entitled and numbered application, hereby authorizes you or either of you, to send all notices concerning said ap-

plication to U. T. CLOTFELTER, attorney at law,
409 Kerckhoff Building, Los Angeles, California,
and agrees that notices so sent shall be deemed to be
notices to the undersigned.

Dated November 10th, A. D. 1911,

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [100]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432—679644.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

PROOF OF CONTINUOUS POSTING.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years, and is duly authorized to
act for and on behalf of the applicant above named,
as is shown by the duly certified copy of resolution
of said company, conferring said authority upon him
on file in the above-entitled proceeding.

That the notice of intention of the applicant herein
to apply for patent for the

SIGNAL PLACER MINING CLAIM,

embracing the lands hereinbefore described, was
posted upon said mining claim on the 3d day of
November, 1911, as is fully set forth and described
in the affidavit of W. L. McLaine and F. M. Ander-
son, dated the 3d day of November, 1911, which affi-

davit was duly filed in the office of the Register of the United States [102] Land Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 3d day of November, A. D. 1911, to and including the 15th day of February, A. D. 1912, including the sixty-day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON.

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

C. E. FARNSWORTH,

Notary Public in and for the County of Tulare,
State of California, Duly Commissioned and
Sworn. [103]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

PROOF OF PUBLICATION OF NOTICE.

State of California,
County of Kern,—ss.

C. H. Seiders, being duly sworn deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing — of all notices received from the above-entitled land office that the annexed Notice was published in the "Delano Record," a weekly newspaper published in the town of Delano, county of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 23d day of November, 1911, and the last publication being on the 25th day of January, 1912.

C. H. SEIDERS.

[104]

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the

foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

W. B. TIMMONS.

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.

[105]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, Lost Hills Mining Company, a corporation, under the provisions of the Revised *States* of the United States, Chapter VI, Title 32, and legislation of Congress supplemental thereto, hereby applies to purchase that certain placer mining claim known as the Signal Placer Mining Claim, embracing the SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., containing 160 acres according to the system of public lands survey of the United States, and hereby agrees to pay therefor the sum of \$400.00 being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [106]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant, that the area of said claim is 160 acres and that the legal price thereof is \$400.00.

Dated February, 1912.

Register. [107]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the SIGNAL PLACER
MINING CLAIM.

EMBRACING:

The SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E.,
M. D. M., Kern County, California.

SWORN STATEMENT OF CHARGES AND
FEES PAID.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to
law, deposes and says:

That he is a citizen of the United States over the

age of twenty-one years and is duly authorized to act for and on behalf of the applicant above named, as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above-entitled and numbered application the applicant has paid the sums of money following:

| | |
|---|----------|
| To the Register and Receiver for Filing Ap- plication for Patent | \$ 10.00 |
| For Publication of Notice of Application... | 25.00 |
| For Purchase Price of Land | 400.00 |
| <hr/> | |
| Total..... | \$435.00 |
| O. D. BARTON. [108] | |

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto.

[Seal] E. C. FARNSWORTH,
Notary Public in and for the County of Tulare, State
of California, Duly Commissioned and Sworn.
[109]

NOTICE OF APPLICATION FOR PATENT.
Nov. 18, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03432-03432.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands

commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

SIGNAL PLACER MINING CLAIM

situate in the County of Kern, State of California, embracing the SE. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the office of the Recorder of said County of Kern in Book 40 of Mining Records, page 293.

Said claim contains an area of 160 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of first publication Nov. 20, 1911. A. D. 1911.

[110]

Feb. 29, 1912.

4-229

03432.

CERTIFICATE THAT NOTICE REMAINED
POSTED SIXTY DAYS.

UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice, of which the attached notice is a copy of application No. 03432 by Lost Hills Mining Company for a patent for the Signal Placer Mining Claim, remained conspicuously

posted in this office for the full period of sixty days; that said notice was posted on the 20th day of November, A. D. 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,
Register. [111]

Received

Feb. 2, 1912.

Nov. 21, 1911.

03432.

Second Field Division.

NOTICE OF APPLICATION FOR PATENT.
IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.
(Not Coal Land.)

MINERAL ENTRY —.

November 20, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States patent for the

SIGNAL PLACER MINING CLAIM

situate in the County of Kern, State of California, embracing the SE. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., location notice of which is recorded in the

office of the Recorder of said County of Kern, in Book 40 of Mining Records, page 293.

Said claim contains an area of 160 acres and no claims adjoin said mining claim which conflict therewith as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,
Register.

Date of first publication Nov. 20, 1911. A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST

against the validity of this entry is filed in this office.

A. O. WHITE,

Acting Chief of Field Division

Jan. 31, 1912. [112]

EXHIBIT "C."

Dec. 2, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457—679416.

In the Matter of the Application of the LOST HILLS
MINING COMPANY, a Corporation, for Patent to the EAGLE PLACER MINING
CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32 T. 26 S., R. 21 E,
M. D. B. & M., in Kern County, California,
containing 160 acres.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST HILLS
MINING COMPANY, a Corporation, for
Patent to the EAGLE PLACER MINING
CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States
Land Office, Visalia, California.

State of California,

County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the
age of twenty-one years, whose post-office address
is Visalia, Tulare County, California, and that he is
the person duly designated, authorized and empow-
ered by resolution of the Board of Directors of the
Lost Hills Mining Company, a corporation, to make
'on its behalf all necessary affidavits and other in-
struments in writing pertaining to an application by
said company for United States Patent to the Eagle
Placer Mining Claim, as fully appears from a duly
'certified copy of said resolution filed with this [114]
application.

Company's Qualification and Address.

That the Lost Hills Mining Company is a corpora-
tion duly created, organized and existing under the
laws of the State of California, and has its offices and
principal place of business in the City and County
of San Francisco, State of California, and without
the Land District in which the land involved in this
application is situate; that its postoffice address is
221 Crocker Building, said City and County of San
Francisco; that the directors of said corporation are
each and all of them citizens of the United States.

Placer Locations.

That on February 14, 1907, the NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., situate in the County of Kern, State of California, was public land of the United States open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers" and land chiefly valuable for petroleum, and on said date H. J. Hoyt, F. R. Hight, L. M. Fredericks, A. R. Orr, H. Widmer, C. A. Butts, Sarah McCord, and W. B. Wallace, each and all of whom were then citizens of the United States, duly located said quarter section of land under the laws of the United States aforesaid, as the Eagle Placer Mining Claim, as more fully appears by the duly certified copy of notice of Location filed herewith which is hereby referred to and made a part hereof.

Transfer to Applicant.

That thereafter and on March 18, 1909, the above-named locators by deed duly executed and delivered to said company conveyed the said placer mining claim and the land above described and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified [115] abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

Possession.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company,

the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

Work Done and Mineral Developed.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of 50,000 square feet and various cuts aggregating about 566 feet in length of a width of 8 feet and of a depth of $11\frac{1}{2}$ feet on the land involved in this application.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land, but though extensive as this work is does not disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formation, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about seven feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. [116]

That the development work aforesaid discloses the existence of many thousands of tons of gypsum on

the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That in addition to the foregoing work applicant has drilled a well 750 feet east of the SW. corner of said quarter section to the depth of about 831 feet in and by which a deposit of petroleum has been developed which through said well produces petroleum at the rate of about 750 barrels per day.

Expenditures.

That in the work of developing the gypsum as aforesaid on the land involved in this application the applicant has expended at least \$800.00 and in the boring of the well on said quarter section it has expended over \$10,000.00.

Applicant *Bona Fide* Occupant and Claimant.

That prior to and at the time of the passage and approval of an act of Congress entitled "An Act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910, Chapter 421, United States Statutes, Page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location thereof and development work done thereon pursuant to said location.

Rivers and Timber.

That the land described in this application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant

is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall [117] is sufficient to produce a growth of natural grass.

Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum or gypsum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of petroleum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon.

Application for Patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent, to the land above described under the name of the

EAGLE PLACER MINING CLAIM.

for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person, and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath [118] made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California. Duly commissioned and Sworn.

[119]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST HILLS
MINING COMPANY, a Corporation, for
Patent to the EAGLE PLACER MINING
CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

SUPPLEMENTAL AND CORROBORATIVE
AFFIDAVIT.

State of California,
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the General Superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as General Superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.

That in the manufacture of cement gypsum is employed for regulating its set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum, and obtain their supply for Mound House, Nevada, for the plant of the standard [120] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last mentioned deposit of gypsum was of a quality that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were

made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be as follows: one sample 74.76% gypsum, one sample 42.20% gypsum, one sample 48.45% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said section 32 will [121] average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement.

That affiant from the samples above-mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from sec-

tions 30 and 42, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given, that the undersigned citi-
zen of the United States in compliance with the re-
quirements of the Revised Statutes of the United
States have this day located the following described
placer mining ground, viz.:

The Northeast quarter Section 32, Township 26
South, Range 21 East, M. D. B. & M., situate in the
Lost Hills Mining District, County of Kern, State
of California.

This claim shall be known as the Eagle Placer
Mining Claim.

Located 14th day of February, 1907.

H. J. HOYT.

F. R. HIGHT.

L. M. FREDERICKS.

A. R. ORR.

H. WIDMER.

C. A. BUTTS.

SARAH McCORD.

W. B. WALLACE. [123]

I hereby certify the above and foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M.

CHAS. A. LEE,
Recorder.

By _____,
Deputy Recorder.

State of California,
County of Kern,

I, Chas. A. Lee, County Recorder of said County, do hereby certify that the annexed is a whole, true, and correct copy of an original as will appear by reference to Book 40 of Mining Records, p. 287, now in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 8th day of November, A. D. 1911.

CHAS. A. LEE,
Recorder in and for the County of Kern, California.

By _____,
Deputy.

[Official Seal County Recorder, Kern Co., Cal.]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

CERTIFIED COPY OF ARTICLES OF
INCORPORATION.

(Here appears a certified copy of Articles of Incorporation of the Lost Hills Mining Company which is identically the same as the copy of the certified Articles of Incorporation as appears in Exhibit "A," with the exception that the certificate of the Secretary of State is numbered 19371 instead of 18233, is dated the 2d day of November, 1911, is signed by Frank C. Jordan, Secretary of State personally, and is numbered in the application for patent herein pages 15, 16, 17, 18 and 19.) [125]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

RESOLUTION APPOINTING AGENT.

WHEREAS, this corporation, the Lost Hills Min-
ing Company, a corporation duly organized under
the laws of the State of California, is the owner of
certain oil placer mining claims in the county of
Kern, State of California, for which it desires and is
about to apply for United States patent; and—

WHEREAS, the principal place of business of
this corporation is the City and County of San Fran-
cisco, State of California, and without the United
States Land District in which said mining claims
are situate;

NOW THEREFORE, .

BE IT RESOLVED: that O. D. Barton, who is a
citizen of the United States, over the age of twenty-
one years, be and he is hereby appointed the agent
of this company for the purpose of making appli-
cations for United States patent to the mining claims
owned by this company, and he is hereby authorized

and empowered to make, execute, sign and verify any and all instruments in writing [126] necessary to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the Interior of the United States in connection with and pertaining to such patent proceedings for and on the behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said company the 2d day of June, 1911.

JAMES H. CAMERON,

Secretary.

[Corporate Seal of Lost Hills Mining Company.]

[127]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

PROOF OF IMPROVEMENTS.

State of California,
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,
upon his oath deposes and says:

That he is a citizen of the United States, over the
age of twenty-one years and that he is the person
designated and duly authorized and empowered by
resolution of the Board of Directors of the Lost Hills
Mining Company, a corporation, to make on behalf
of said company all affidavits and to execute any
and all instruments in writing pertaining to the ap-
plication by said company for United States Pat-
ent to the Eagle Placer Mining Claim, situate in the
county of Kern, State of California, embracing the
land hereinbefore described, as more particularly
appears by the certified copy of resolution of the
Board of Directors of said company on file herewith.

That the applicant has opened up and developed an extensive [128] and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of 50,000 square feet and various cuts aggregating about 566 feet in length of a width of 8 feet and of a depth of $11\frac{1}{2}$ feet on the land involved in this application.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land but though extensive as this work is does not disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formation, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about seven feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid discloses the existence of many thousands of tons of gypsum on the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That in addition to the foregoing work applicant has drilled a well 750 feet each of the SW. corner of said quarter section to the depth of about 831 feet in and by which a deposit of petroleum has been developed which through said well produces petroleum at the rate of about 750 barrels per day.

That the work of developing the gypsum as aforesaid on the land involved in this application, the applicant has expended at least \$800.00 and in the boring of the well on said quarter section it has expended over \$10,000.00.

O. D. BARTON. [129]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[130]

CORROBORATION BY TWO DISINTERESTED WITNESSES.

State of California,
County of Tulare,—ss.

Earl Northrup and Nate Cahn, each for himself and not one for the other, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States, over the age of twenty-one years and not interested in the application for patent made by the Lost Hills Mining Company for the Eagle Placer Mining Claim, covering the NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. M., Kern County, California.

That he is familiar with said land and the whole thereof, having been upon and over the same fre-

quently, and knows what work and improvements the said applicant has caused to be done and made thereupon; that he has read the foregoing affidavit of O. D. Barton and knows the contents thereof; that the said affidavit correctly states and describes the work and improvements upon the land hereinbefore described; that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that said work and improvements cost at least as much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHROP.

NATE CAHN.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[131]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

AFFIDAVIT OF NONEXISTENCE OF LODGE
OR VEIN.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to
law, upon his oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and that he is the person
designated and duly authorized and empowered by
resolution of the Board of Directors of the Lost Hills
Mining Company, a corporation, to make on behalf
of said company all affidavits and to execute any
and all instruments in writing pertaining to the
application by said company for United States Pat-
ent to the Eagle Placer Mining Claim, situate in the
county of Kern, State of California, embracing the
land hereinbefore described, as more particularly
appears by the certified copy of resolution of the
Board of Directors of said company on file herewith.

The affiant is now and for a long time prior hereto has been thoroughly familiar with the NE. $\frac{1}{4}$ of Section 32, T. 26 S., [132] R. 21 E., M. D. B. & M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That the affiant makes this affidavit on behalf of the applicant above named, the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[133]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

AFFIDAVIT OF DISINTERESTED WIT-
NESSES OF NONEXISTENCE OF LODGE
OR VEIN.

State of California,
County of Tulare,—ss.

Earl Northrop and Nate Cahn, being each duly
sworn according to law, each for himself upon his
oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and not interested in any
way in the land involved in this application or in
any part thereof.

That affiant is now and for a long time prior hereto
has been thoroughly familiar with the NE. $\frac{1}{4}$ of Sec-
tion 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern
County, California, having been upon and over the
same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHROP.

NATE CAHN. [134]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State
of California, Duly Commissioned and Sworn.
[135]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

PROOF OF POSTING NOTICE UPON CLAIM.

State of California,
County of Kern,—ss.

F. H. Davis and Chester H. Miller each for himself and not one for the other, being first duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the tenth day of November, A. D. 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States Patent for the Eagle Placer Mining Claim, embracing the NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., was posted upon the ground.

That said notice was so posted and in such a conspicuous place upon said placer oil mining claim at and upon the derrick over the oil well upon said claim that said notice could be easily and readily seen and examined.

A copy of said notice so posted upon said claim as aforesaid [136] is hereto attached, hereby referred to and made a part of this affidavit.

F. H. DAVIS.

CHESTER H. MILLER.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were

affixed thereto and the oath made by them.

[Seal]

JOHN T. GREEN,

Notary Public in and for the County of Kern, State
of California, Duly Commissioned and Sworn.

[137]

NOTICE OF APPLICATION FOR PATENT.

(Not Coal Land.)

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

NOTICE IS HEREBY GIVEN that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers" and in accordance with the rules and regulations of the Secretary of the Interior promulgated under such laws, the LOST HILLS MINING COMPANY, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

EAGLE PLACER MINING CLAIM,
embracing the NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E. M. D. B. & M., in Kern County, California, containing an area of 160 acres, the Notice of Location, of which is recorded in Book 40 of Mining Records, at page 287 in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

POSTED upon the ground this 10th day of November, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent.

Witnesses to posting:

F. H. DAVIS,

CHESTER H. MILLER. [138]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D.
B. & M., in Kern County California, con-
taining 160 acres.

PUBLISHER'S CONTRACT.

State of California,

County of Kern,—ss.

The undersigned, the Editor and Publisher of the
“Delano Record,” a weekly newspaper published in
Delano, Kern County, California, hereby agrees to
publish the Notice of Intention of the Lost Hills Min-
ing Company, a corporation, to apply for patent to
the Eagle Placer Mining Claim, as required by Act
of Congress approved May 10, 1872, and Amend-
ments thereof, and the Act of Congress relating to

the sale and disposition of public lands chiefly valuable for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication.

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,
Editor and Publisher. [139]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D.
B. & M., in Kern County California, con-
taining 160 acres.

AUTHORITY TO SEND NOTICES.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Company,
a corporation, the applicant in the above-entitled

and numbered application, hereby authorizes you or either of you, to send all notices concerning said application to U. T. Clotfelter, attorney at law, 409 Kerckhoff Building, Los Angeles, California, and agrees that notices so sent shall be deemed to be notices to the undersigned.

Dated November 10th, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [140]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457-679646.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D.
B. & M., in Kern County California, con-
taining 160 acres.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D.
B. & M., in Kern County California, con-
taining 160 acres.

PROOF OF CONTINUOUS POSTING.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years, and is duly authorized to
act for and on behalf of the applicant above-named,
as is shown by the duly certified copy of resolution
of said company conferring said authority upon him,
on file in the above-entitled proceeding.

That the notice of intention of the applicant herein
to apply for patent for the

EAGLE PLACER MINING CLAIM,
embracing the lands hereinbefore described, was
posted upon said mining claim on the 10th day of
November, 1911, as is fully set forth and described
in the affidavit of F. H. Davis and Chester H. Miller,
dated the 10th day of November, 1911, which affidavit

was [142] duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, A. D. 1911, to and including the 15th day of February, A. D. 1912, including the sixty day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON.

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[143]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M.
D. B. & M., in Kern County, California,
containing 160 acres.

PROOF OF PUBLICATION OF NOTICE.

State of California,
County of Kern,—ss.

(Here is newspaper clipping which is verbatim the same as Notice of Application for Patent herein given signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California.).

C. H. Seiders, being duly sworn deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing of all notices received from the above-entitled Land Office; that the annexed Notice was published in the "Delano Record," a weekly newspaper published in the town of Delano, County of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 7th day of December, 1911, and the last publication [144] being on the 8th day of February, 1912.

C. H. SEIDERS.

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the

foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

W. B. SIMMONS.

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.

[145]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST HILLS MINING COMPANY, a Corporation, for Patent to the EAGLE PLACER MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing 160 acres.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States Land Office, Visalia, California.

The undersigned, LOST HILLS MINING COMPANY, a corporation, under the provisions of the Revised Statutes of the United States, Chapter VI, Title 32, and legislation of Congress supplemental thereto, hereby applies to purchase that certain placer mining claim known as the Eagle Placer Mining Claim, embracing the NE. $\frac{1}{4}$ of section 32, T. 26 S., R. 21 E., M. D. B. & M., containing 160 acres, according to the system of public lands survey of the

United States, and hereby agrees to pay therefor the sum of \$400.00, being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [146]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant, that the area of said claim of 160 acres, and that the legal price thereof is \$400.00.

Dated February —, 1912.

Register. [147]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03457.

In the Matter of the Application of the LOST
HILLS MINING COMPANY a Corpora-
tion, for Patent to the EAGLE PLACER
MINING CLAIM.

EMBRACING:

The NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M.
D. B. & M., in Kern County, California, con-
taining 160 acres.

SWORN STATEMENT OF CHARGES AND
FEES PAID.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is duly authorized to act for and on behalf of the applicant above named, as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above-entitled and numbered application the said applicant has the sums of money following:

To the Register and Receiver for filing ap-
plication for Patent.....\$ 10.00
For publication of Notice of Application.... 25.00
For purchase price of land..... 400.00
Total.....\$435.00

O. D. BARTON. [148]

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[149]

NOTICE OF APPLICATION FOR PATENT.

Dec. 2, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY No. 03457.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

EAGLE PLACER MINING CLAIM.

situate in the County of Kern, State of California, embracing the NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, location notice of which is recorded in Book 40 of Mining Records, page 287, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO W. STEWART,

Register.

Date of first publication —, A. D. 1911. [150]

Feb. 29, 1912.

4-229.

03457.

CERTIFICATE THAT NOTICE REMAINED
POSTED SIXTY DAYS.

UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice, of which the attached notice is a copy of application No. 03457 by Lost Hills Mining Company for a patent for the Eagle Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 2d day of December, A. D. 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,

Register. [151]

Feb. 2, 1912.

Withdrawn.

03457.

NOTICE OF APPLICATION FOR PATENT.
IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY No. 03457.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corpo-

ration, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

EAGLE PLACER MINING CLAIM

situate in the County of Kern, State of California, embracing the NE. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, location notice of which is recorded in Book 40 of Mining Records, page 287, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of first publication ———, A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST

against the validity of this entry is filed in this office.

A. O. White

Acting Chief of Field Division

Jan. 31, 1912

(Date). [152]

EXHIBIT "D."

Dec. 2, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459—679418.

In the Matter of the Application of the LOST
HILLS MINING COMPANY a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M.
D. B. & M., Kern County, California, con-
taining 160 acres.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M.
D. B. & M., Kern County, California, con-
taining 160 acres.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States
Land Office, Visalia, California.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the
age of twenty-one years, whose postoffice address is
Visalia, Tulare County, California, and that he is
the person duly designated, authorized and em-
powered by resolution of the Board of Directors of
the Lost Hills Mining Company, a corporation, to
make on its behalf all necessary affidavits and other
instruments in writing pertaining to an application
by said company for United [154] States Patent
to the JUDGE PLACER MINING CLAIM, as

fully appears from a duly certified copy of said resolution filed with this application.

Company's Qualification and Address.

That the Lost Hills Mining Company is a corporation duly created, organized and existing under the laws of the State of California, and has its office and principal place of business in the City and County of San Francisco, State of California, and without the Land District in which the land involved in this application is situate; that its postoffice address is 221 Crocker Building, said City and County of San Francisco; that the directors of said corporation are each and all of them citizens of the United States.

Placer Location.

That on February 14, 1907, the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., situate in the County of Kern, State of California, was public land of the United States open to location and appropriation under the laws of the United States relating to what are commonly known as "Placers" and land chiefly valuable for petroleum, and on said date W. B. Wallace, J. H. Butts, J. W. McCord, H. J. Hoyt, A. R. Orr, F. R. Hight, John Anderson and H. Widmer, each and all of whom were then citizens of the United States, duly located said quarter section of land under said laws of the United States as the Judge Placer Mining Claim, as more fully appears by the duly certified copy of Notice of Location filed herewith, which is hereby referred to and made a part hereof.

Transfer to Applicant.

That thereafter and on March 18, 1909 the above named locators by deed duly executed and delivered to said company conveyed the said placer mining claim and the land above described, and all of their [155] right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

Possession.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company, the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100,00 has been expended upon said land in the way of work and improvements thereon, and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

Work Done and Mineral Developed.

That the applicant is now and ever since March 18, 1909, has been the owner and a *bona fide* claimant and occupant of a group of four adjacent placer mining claims embracing the whole of Section 32, T. 26 S., R. 21 E., M. D. M., containing an area of 640 acres, under and by virtue of four locations duly made under the laws of the United States relating to what are commonly called placers and lands chiefly valu-

able for petroleum, by associations of eight persons and conveyances of said claims, by the locators to the applicant on March 18, 1909.

That acting under the authority given it by an Act of Congress approved February 12, 1903 (32 Stats. L. 825*), the applicant undertook to develop said mining claims as a group and accordingly in the month of July, 1910, placed an oil well drilling rig upon the SW. $\frac{1}{4}$ of said Section 32 and in the SE. corner thereof, and during the months of July, August and September of the year 1910, [156] bored a well with said rig to a depth of about 400 feet, wherein and whereby such a showing of petroleum was discovered as proved that a deposit of petroleum existed on said Section 32, which would yield petroleum in paying quantities when properly developed.

Said well was drilled so close to the line between the SW. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of said Section 32 that it showed that such deposit of petroleum existed on the SE. $\frac{1}{4}$ of said Section as well as upon the SW. $\frac{1}{4}$ thereof.

That as soon as said well was drilled, the applicant began the further development of the said group of claims by procuring another oil well drilling rig and commencing the drilling of a well therewith at a point upon what it thought was the northern part of the SE. $\frac{1}{4}$ of said Section 32, but which in fact was at a point upon the NE $\frac{1}{4}$ of said Section 32, located 750 feet East of the center of the said section and 80 feet north of the north line of the SE. $\frac{1}{4}$ of said Section 32.

That said last mentioned rig was located on the

NE. $\frac{1}{4}$ instead of the SE. $\frac{1}{4}$ of said Section 32, account of the great difficulty which then existed in the matter of locating the survey stakes.

That said last mentioned rig was placed in the location last above described on October 1, 1910, and the drilling of a well at once begun and diligently continued to a depth of about 831 feet; that said well disclosed and developed a deposit of petroleum which produces through said well at the rate of 750 barrels of petroleum per day and demonstrates that such deposit exists upon the SE. $\frac{1}{4}$ of said Section 32 as well as upon the NE. $\frac{1}{4}$ thereof, account of the fact that said well is only 80 feet north of the north line of said SE. $\frac{1}{4}$.

That account of the results of the above mentioned work [157] the applicant has since drilled another well upon the SW. $\frac{1}{4}$ of said Section 32 in the northeast corner thereof about 150 feet southwest from the center of said section to a depth of about 890 feet which produces petroleum at the rate of about 50 barrels per day.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of 70,000 square feet and various cuts aggregating about 565 feet in length of a width of 8 feet and of a depth of $11\frac{1}{2}$ feet.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land, but though extensive as this work is does not

disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formations, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about 7 feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid disclosed the existence of many thousands of tons of gypsum upon the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

Expenditures.

That in the work of developing the gypsum as aforesaid on the land involved in this application the applicant has expended at least \$900.00 and in the boring of the two wells on said quarter section it has expended over \$10,000.00. [158]

Applicant *Bona Fide* Occupant and Claimant.

That prior to and at the time of the passage and approval of an act of Congress entitled "An Act to authorize the President of the United States to make withdrawals of public lands in certain cases" approved June 25, 1910. Chapter 421, United States Statutes, page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location thereof and development work done thereon pursuant to said location.

Rivers and Timber.

That the land described in this application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush, but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass.

Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals, such as lime and gypsum, that nothing grows thereon except the grass and shrubs above mentioned, and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum or gypsum therefrom; that so dry and arid is the region in which the land is situate and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of gypsum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good faith for the purpose of obtaining [159] title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs or water thereon.

Application for Patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent to the land above described under the name of the

JUDGE PLACER MINING CLAIM

for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[160]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

SUPPLEMENTAL AND CORROBORATIVE
AFFIDAVIT.

State of California,
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is now and for six years last past has been engaged in the business of the manufacture of cement as the general superintendent of the Santa Cruz Portland Cement Company which has a plant at Davenport, California, and also for the one year last past as general superintendent of the Standard Portland Cement Company with a plant at Napa Junction, said State.

That in the manufacture of cement, gypsum is employed for regulating its set.

That the cement companies above named use in the manufacture of cement about 12,000 tons of gypsum per annum and obtain their supply from Mound House, Nevada, for the plant of the Standard [161] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last mentioned deposit of gypsum was of a quality

that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 50 pounds and tested at the cement plant, above mentioned, located at Davenport, California.

Said test showed the deposit to be 65.75% gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid as the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said Section 32 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement. [162]

That affiant from the sample above mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of

from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from Sections 30 and 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant for his employers is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern Counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for said County of Tulare,
State of California, Duly Commissioned and
Sworn. [163]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given, that the undersigned citi-
zens of the United States in compliance with the re-
quirements of the Revised Statutes of the United
States have this day located the following described
placer mining ground, viz:

The Southwest quarter of Section 32, Township 26
South, Range 21 East, M. D. B. M., situate in the Lost
Hills Mining District, County of Kern, State of Cali-
fornia.

This claim shall be known as the Judge Placer
Mining Claim.

Located 14th day of February, 1907.

W. B. WALLACE.

J. H. BUTTS.

J. W. McCORD.

H. J. HOYT.

A. R. ORR.

F. R. HIGHT.

JOHN ANDERSON.

H. WIDMER. [164]

I hereby certify the above and foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M.

CHAS. A. LEE,
Recorder.

By _____,
Deputy Recorder.

State of California,
County of Kern.

I, Chas. A. Lee, County Recorder of said County, do hereby certify that the annexed is a whole, true and correct copy of an original as will appear by reference to Book 40 of Mining Records, p. 288, now in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 8th day of November, A. D. 1911.

CHAS. A. LEE,
Recorder in and for the County of Kern, California.

By _____,
Deputy.

[Official Seal County Recorder, Kern Co., Cal.]
[165]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M.
D. B. & M., Kern County, California, con-
taining 160 acres.

CERTIFIED COPY OF ARTICLES OF
INCORPORATION.

(Here appears a certified copy of Articles of In-
corporation of the Lost Hills Mining Company, which
is identically the same as the copy of the certified
Articles of Incorporation as appears in Exhibit "A,"
with the exception that the certificate of the Secre-
tary of State is numbered 19368 instead of 18233, is
dated the 2d day of November, 1911, is signed by
Frank C. Jordan, Secretary of State, personally, and
is numbered in the application for patent herein
pages 15, 16, 17, 18 and 19.) [166]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M.
D. B. & M., Kern County, California, con-
taining 160 acres.

RESOLUTION APPOINTING AGENT.

WHEREAS this corporation, the Lost Hills Min-
ing Company, a corporation duly organized under
the laws of the State of California, is the owner of
certain oil placer mining claims in the County of
Kern, State of California, for which it desires and is
about to apply for United States patent; and—

WHEREAS, the principal place of business of this
corporation is the City and County of San Francisco-
State of California, and without the United States
Land District in which said mining claims are
situate;

NOW THEREFORE,

BE IT RESOLVED: That O. D. Barton, who is a
citizen of the United States, over the age of twenty-
one years, be and he is hereby appointed the agent of
this Company for the purpose of making applications
for United States patent to the mining claims owned
by this Company, and he is hereby authorized and

empowered to make, execute, sign and verify any and all instruments in writing [167] necessary to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the Interior of the United States in connection with and pertaining to such patent proceedings for and on the behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting Secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said Company at a meeting duly held by said Board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company the 2d day of June, 1911.

JAMES H. CAMERON,
Secretary.

[Corporate Seal of Lost Hills Mining Company.]
[168]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M.
D. B. & M., Kern County, California, con-
taining 160 acres.

PROOF OF IMPROVEMENTS.

State of California,
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,
upon his oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and that he is the person
designated and duly authorized and empowered by
resolution of the Board of Directors of the Lost Hills
Mining Company, a corporation, to make on behalf
of said company all affidavits and to execute any and
all instruments in writing pertaining to the applica-
tion by said company for United States Patent to the
Judge Placer Mining Claim, situate in the County
of Kern, State of California, embracing the land
hereinbefore described, as more particularly appears
by the certified copy of resolution of the Board of
Directors of said Company on file herewith. [169]

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of 70,000 square feet and various cuts aggregating about 565 feet in length of a width of 8 feet and of a depth of $11\frac{1}{2}$ feet.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land but though extensive as this work is does not disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formations, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about 7 feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid disclosed the existence of many thousands of tons of gypsum upon the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That in addition to the aforesaid work in the months of July, August and September, 1910, applicant drilled a well near the SE. corner of said SW. $\frac{1}{4}$ to the depth of about 400 feet, in which well a small showing of oil or petroleum was developed.

That in addition to the foregoing work applicant has drilled a well in the NE. corner of said SW. $\frac{1}{4}$

to the depth of about 890 feet in and by which a deposit of petroleum has been developed which through said well produces petroleum at the rate of about 50 barrels per day. [170]

That in the work of developing the gypsum as aforesaid on the land involved in this application the applicant has expended at least \$900.00 and in the boring of the two wells on said quarter section it has expended over \$10,000.00.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[171]

CORROBORATION BY TWO DISINTERESTED WITNESSES.

State of California,
County of Tulare,—ss.

Earl Northrop and J. N. Young, each for himself and not one for the other, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and not interested in the application for patent made by the Lost Hills Min-

ing Company for the Judge Placer Mining Claim, covering the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California.

That he is familiar with said land and the whole thereof, having been upon and over the same frequently, and knows what work and improvements the said applicant has caused to be done and made thereupon; that he has read the foregoing affidavit of O. D. Barton and knows the contents thereof; that the said affidavit correctly states and describes the work and improvements upon the land hereinbefore described; that the drilling outfits and wells mentioned in said affidavit are actually upon the ground and that said work and improvements cost at least as much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHROP.

J. N. YOUNG.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare,
State of California, Duly Commissioned and
Sworn. [172]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

AFFIDAVIT OF NONEXISTENCE OF LODGE
OR VEIN.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to
law, upon his oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and that he is the person
designated and duly authorized and empowered by
resolution of the Board of Directors of the Lost
Hills Mining Company, a corporation, to make on
behalf of said company all affidavits and to execute
any and all instruments in writing pertaining to the
application by said company for United States
Patent to the Judge Placer Mining Claim, situate
in the County of Kern, State of California, embrac-
ing the land hereinbefore described, as more par-
ticularly appears by the certified copy of resolution

of the Board of Directors of said Company on file herewith.

That affiant is now and for a long time prior hereto has [173] been thoroughly familiar with the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar or other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

That this affiant makes this affidavit on behalf of the applicant above named, the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare,
State of California, Duly Commissioned and
Sworn. [174]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

AFFIDAVIT OF DISINTERESTED WIT-
NESSES OF NONEXISTENCE OF LODGE
OR VEIN.

State of California,
County of Tulare,—ss.

Earl Northrop and J. N. Young being each duly
sworn according to law each for himself upon his
oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and not interested in any
way in the land involved in this application or in any
part thereof; that affiant is now and for a long time
prior hereto has been thoroughly familiar with the
SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., N. D. M.,
in Kern County, having been upon and over the
same frequently.

That no known lode or vein of quartz or other rock
in place bearing gold, silver, copper, cinnabar or

other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHROP.

J. N. YOUNG. [175]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify *the* the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS.

Notary Public in and for the County of Tulare,
State of California, Duly Commissioned and
Sworn. [176]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

PROOF OF POSTING OF NOTICE UPON
CLAIM.

State of California,
County of Kern,—ss.

F. H. Davis and Chester H. Miller each for himself and not one for the other, being first duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the 10th day of November, A. D. 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States Patent for the Judge Placer Mining Claim, embracing the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. M., was posted upon the ground.

That said notice was so posted and in such a conspicuous place upon said placer mining claim at and upon the derrick over the oil well upon said claim that said notice could be easily read and seen and examined. [177]

A copy of said notice so posted upon said claim as aforesaid is hereto attached, hereby referred to and made a part of this affidavit.

F. H. DAVIS.

CHESTER H. MILLER.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were

affixed thereto and the oath made by them.

[Seal]

JOHN T. GREEN,

Notary Public in and for the County of Kern, State
of California, Duly Commissioned and Sworn.

[178]

NOTICE OF APPLICATION FOR PATENT.

(Not Coal Land.)

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

NOTICE IS HEREBY GIVEN that pursuant to the laws of the United States relating to the sale of lands commonly known as "Placers" and in accordance with the rules and regulations of the Secretary of the Interior promulgated under such laws, the LOST HILLS MINING COMPANY, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

JUDGE PLACER MINING CLAIM

embracing the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, the Notice of Location of which is recorded in Book 40 of Mining Records, at Page 288, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

POSTED UPON the ground this 10th day of November, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent.

Witness to posting:

F. H. DAVIS.

CHESTER H. MILLER. [179]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

PUBLISHER'S CONTRACT.

State of California,
County of Kern,—ss.

The undersigned, the Editor and Publisher of the
“Delano Record,” a weekly newspaper published in
Delano, Kern County, California, hereby agrees to
publish the Notice of Intention of the Lost Hills
Mining Company, a corporation, to apply for patent
to the Judge Placer Mining Claim, as required by
Act of Congress approved May 10th, 1872, and
Amendments thereof, and the Act of Congress relat-

ing to the sale and disposition of public lands chiefly valuable for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication. [180]

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,
Editor and Publisher. [181]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

AUTHORITY TO SEND NOTICE.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Com-
pany, a corporation, the applicant in the above-en-

titled and numbered application, hereby authorized you or either of you, to send all notices concerning said application to U. T. CLOTFELTER, attorney at law, 409 Kerckhoff Building, Los Angeles, California, and agrees that notices so sent shall be deemed to be notices to the undersigned.

Dated November 10th, A. D. 1911.

LOST HILLS MINING COMPANY.

By O. D. BARTON,

Its Duly Authorized Agent. [182]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459-679648.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D.
B. & M., Kern County, California, contain-
ing 160 acres.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

PROOF OF CONTINUOUS POSTING.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years, and is duly authorized to
act for and on behalf of the applicant above named,
as is shown by the duly certified copy of resolution
of said company conferring said authority upon him,
on file in the above-entitled proceeding.

That the notice of intention of the applicant herein
to apply for patent for the

JUDGE PLACER MINING CLAIM

embracing the lands hereinbefore described, was
posted upon said mining claim on the 10th day of
November, 1911, as is fully set forth and described
in the affidavit of F. H. Davis and Chester H. Miller,
dated the 10th day of November, 1911, which affi-

davit [184] was duly filed in the office of the Register of the United States Land Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, A. D. 1911, to and including the 15th day of Feby., 1912, including the sixty-day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON.

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[185]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the JUDGE PLACER
MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

PROOF OF PUBLICATION OF NOTICE.

State of California,
County of Kern,—ss.

(Here is newspaper clipping which is verbatim the same as Notice of Application for Patent herein given, signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California.)

C. H. Seiders, being duly sworn deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing of all notices received from the above-entitled Land Office; that the annexed notice was published in the "Delano Record"; a weekly newspaper published in the town of Delano, County of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 7th [186] day of December, 1911, and the last publication being on the 8th day of February, 1912.

C. H. SEIDERS.

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the

foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

W. B. TIMMONS.

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.
[187]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03459.

In the Matter of the Application of the LOST HILLS MINING COMPANY, a Corporation, for Patent to the JUDGE PLACER MINING CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, containing 160 acres.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States Land Office, Visalia, California.

The undersigned Lost Hills Mining Company, a corporation, of the United States, Chapter VI, Title 32, and legislation of Congress supplemental thereto, hereby applies to purchase that certain placer mining claim known as the Judge Placer Mining Claim, embracing the NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E, M. D. B. & M., containing 160 acres according to the system of public lands survey of the United States, and hereby agrees to pay therefor the sum of \$400.00, being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY.

By O. D. BARTON,

Its Duly Authorized Agent. [188]

I, George W. Stewart, Register of the United States Land Office at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant, that the area of said claim is 160 acres and that the legal price thereof is \$400.00.

Dated ———, 1912.

_____,
Register. [189]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY—No. 03,459.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the JUDGE PLACER MINING
CLAIM.

EMBRACING:

The SW. $\frac{1}{4}$ of Section 32, T 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

SWORN STATEMENT OF CHARGES AND FEES
PAID.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to
law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is duly authorized to act for and on behalf of the applicant above named, as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above-entitled and numbered application the said applicant has paid the sums of money following:

| | |
|--|----------|
| To the Register and Receiver for filing ap- plication for patent..... | \$10.00 |
| For publication of notice of application..... | 25.00 |
| For purchase price of land..... | 400.00 |
| | <hr/> |
| | \$435.00 |

O. D. BARTON. [190]

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that the affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[191]

NOTICE OF APPLICATION FOR PATENT.
IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.
(Not Coal Land.)

MINERAL ENTRY No. 03,459.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

JUDGE PLACER MINING CLAIM,
situate in the County of Kern, State of California, embracing the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, a notice of location of which is recorded in Book 40 of Mining Records, at page 288, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of first publication, ———, A. D. 1911. [192]

February 29, 1912. 4-229.

03459

CERTIFICATE THAT NOTICE REMAINED
POSTED SIXTY DAYS.

UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice of which the attached notice is a copy of application No. 03459 by Lost Hills Mining Company for a patent for the Judge Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 2d day of December, 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,

Register. [193]

Feb. 2, 1912.

Received.

For Field Division.

Withdrawn.

Dec. 6, 1911.

Second Field Division.

NOTICE OF APPLICATION FOR PATENT.
IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

(Not Coal Land.)

MINERAL ENTRY No. 03,459.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under

such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

JUDGE PLACER MINING CLAIM,

situate in the County of Kern, State of California, embracing the SW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, a notice of location of which is recorded in Book 40 of Mining Records, at page 288, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of first publication ———, A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST

against the validity of this entry is filed in this office.

A. O. White, Acting Chief of Field Division. Jan.
31, 1912. (Date.) [194]

EXHIBIT "E."

Nov. 25, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448-679400.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States
Land Office, Visalia, California:

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, upon his oath deposes and says:

Affiant's Authority and Address.

That he is a citizen of the United States over the
age of twenty-one years, whose postoffice address
is Visalia, Tulare County, California, and that he
is the person duly designated, authorized and em-
powered by resolution of the Board of Directors of
the Lost Hills Mining Company, a corporation to
make on its behalf all necessary affidavits and other
instruments in writing pertaining to an application
by said company for United States Patent to the
Petroleum Placer Mining Claim, as fully appears

[196] from a duly certified copy of said resolution filed with this application.

Company's Qualification and Address.

That the Lost Hills Mining Company is a corporation duly created, organized and existing under the laws of the State of California, and has its office and principal place of business in the City and County of San Francisco, State of California, and without the Land District in which the land involved in this application is situate; that its postoffice address is 221 Crocker Building, said City and County of San Francisco; that the directors of said corporation are each and all of them citizens of the United States.

Placer Locations.

That on February 14, 1907, the NW. $\frac{1}{4}$ of said Section 32 was public land of the United States open to location and appropriation under the laws of the United States relating to what are commonly known as "placers" and land chiefly valuable for petroleum, and on said date H. Widmer, J. H. Butts, J. W. McCord, J. N. Hoyt, J. Gillispee, A. R. Orr, H. J. Light, and W. B. Wallace, each and all of whom were then citizens of the United States, duly located said quarter section of land under said laws of the United States as the Petroleum Placer Mining Claim, as more fully appears by the duly certified copy of Notice of Location filed herewith, which is hereby referred to and made a part hereof.

Transfer to Applicant.

That thereafter and on March 18, 1909, the above-named locators by deed duly executed and delivered

to said Company conveyed the said placer mining claim and the land above-described and all of their right, title and interest therein, to the Lost Hills Mining Company, the applicant herein, all of which more fully appears by the duly certified [197] abstract of title on file in this proceeding, which is hereby referred to and made a part hereof.

Possession.

That ever since February 14, 1907, the land hereinbefore described has been in the actual, peaceable, open, notorious, continuous, exclusive and undisturbed possession of the Lost Hills Mining Company, the applicant herein, and its predecessors in interest, the locators hereinbefore named, and during each year since the year 1907, more than \$100.00 has been expended upon said land in the way of work and improvements thereon and in the development thereof and in the doing of the annual assessment work required by the laws of the United States.

Work Done and Mineral Developed.

That the applicant has opened up and developed an extensive and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of about 47,000 square feet and various cuts aggregating a length of about 166 feet, with a width of 8 feet and a depth of about 1½ feet on the NW. ¼ of said Section 32.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land, but though extensive as this work is, does not disclose the full extent of the deposit of said

mineral on said quarter section.

That said mineral exists in layers or blanket formation, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about seven feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid discloses the existence of many [198] thousands of tons of gypsum on the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That the applicant, in addition to the work done thereon as hereinbefore stated, has bored a well in the NW. corner thereof to a depth of about 860 feet in and by which a deposit of petroleum has been developed which produces through said well petroleum at the rate of about 100 barrels per day.

Expenditures.

That in the work of developing the gypsum as aforesaid on the land involved in this application, the applicant has expended at least \$700.00 and in the boring of the well thereon above mentioned it has expended over \$9,000.00.

Applicant *Bona Fide* Occupant and Claimant.

That prior to and at the time of the passage and approval of an act of Congress entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," appoved June 24, 1910, Chapter 421, United States

Statutes, page 847, the applicant was a *bona fide* occupant and in the possession of the land above described under a *bona fide* claim thereto by virtue of the location thereof and the development work done thereon pursuant to said location.

Rivers and Timber.

That the land described in this application is situate in a dry and arid portion of the County of Kern, State of California, and that there are no streams or springs of water or growth of timber thereon; that the only vegetation upon said land is the wild native grass and some small shrubs or brush; but so scant is the growth of both that the land is not fit for grazing purposes even, except for a very small portion of an occasional spring of a year when the rainfall is sufficient to produce a growth of natural grass. [199]

Character of the Land.

That the soil of said land is so thoroughly impregnated with minerals such as lime and gypsum that nothing grows thereon except the grass and shrubs above mentioned and they are short and but thinly cover the ground; that this condition is so pronounced that the only use to which the land can profitably be devoted is that of producing petroleum or gypsum therefrom; that so dry and arid is the region in which the land is situated and so unproductive is it in the way of grass and shrubs that except for its value for the deposits of petroleum developed therein as aforesaid and deposits of gypsum thereon, that it is for all practical purposes worthless; that this application is made in good

faith for the purpose of obtaining title to the land above described for the mineral deposits therein and not for the purpose of obtaining title to any timber thereon or the control of any streams or springs of water thereon.

Application for Patent.

That upon the facts and for the reasons hereinbefore stated, affiant hereby makes application for United States Patent to the land above described under the name of the

PETROLEUM PLACER MINING CLAIM,
for the benefit and in behalf of the Lost Hills Mining Company, a corporation.

(Signed) O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing application was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State
of California, Duly Commissioned and Sworn.

[200]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

SUPPLEMENTAL AND CORROBORATIVE
AFFIDAVIT.

State of California,
County of Tulare,—ss.

F. H. Davis, being first duly sworn according to
law, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and is now and for six
years last past has been engaged in the business of
the manufacture of cement as the general superin-
tendent of the Santa Cruz Portland Cement Com-
pany, which has a plant at Davenport, California,
and also for the one year last past as general super-
intendent of the Standard Portland Cement Com-
pany with a plant at Napa Junction, said State.

That in the manufacture of cement gypsum is
employed for regulating its set.

That the cement companies above named use in

the manufacture of cement about 12,000 tons of gypsum per annum, and obtain their supply from Mound House, Nevada, for the plant of the Standard [201] Company, and from near Kings City, California, for the plant of the Santa Cruz Company.

That affiant is familiar with the deposits of gypsum existing upon the NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California, account of having been in personal charge of much of the work done thereon in the development thereof by the Lost Hills Mining Company.

That for the purpose of determining whether said last-mentioned deposit of gypsum was of a quality that could profitably be used in the manufacture of cement, affiant had samples taken therefrom which were so selected as to show as accurately as possible the average quality of the gypsum on the quarter section of land last above described, and to show as nearly as possible what a mine run of the gypsum would disclose as to quality; that said samples were made up of the poorest quality of gypsum on the quarter, as well as of the best, in such way as to constitute a fair average sample of the deposit.

That after said samples were taken the same were quartered down to the weight of from 25 to 40 pounds and tested at the cement plant above mentioned, located at Davenport, California.

Said test showed the deposit to be 62.03% of gypsum.

That said samples and said tests also showed that the quality of gypsum in the deposit on said quarter section was such that it could be profitably used

in the manufacture of cement; that much of said deposit is of as good quality as that obtained from Kings City, California, and used as aforesaid at the plant of the Santa Cruz Portland Cement Company.

That 50% of the deposit of gypsum on said section 32 will average at least 80% pure, which is a very high grade of gypsum and very desirable for use in the manufacture of cement. [202]

That affiant from the sample above mentioned and numerous others taken and tested by him and from his knowledge of the great extent of the deposit of gypsum on said land has advised his employers, the cement companies above named, to obtain the gypsum for their plants from said deposits instead of from those at Mound House, Nevada, and Kings City, California, and said companies have determined to act upon this advice as soon as the transportation facilities are provided for shipping gypsum from sections 30 and 32, T. 26 S., R. 21 E., M. D. B. & M., Kern County, California.

That the present market value of the gypsum in the deposits on the sections last above mentioned is at least \$2.00 per ton and on the quarter section mentioned in this application there are many thousands of tons of said mineral of said value.

That account of the demand therefor in connection with the growing of citrus fruit and other crops affiant, for his employers, is making arrangements to establish a mill for the grinding of the poorer grades of gypsum in said sections for the supplying of such demand and is informed and believes and on such information and belief states that a price

of from \$8.00 to \$9.00 per ton can be obtained therefor at points of delivery in Tulare, Fresno, Kings and Kern counties, California.

F. H. DAVIS.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable witness and that the above affidavit was read and examined by him before his signature was affixed thereto, and the oath taken by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[203]

United States
Circuit Court of Appeals ²

For the Ninth Circuit.

Transcript of Record.
(IN FOUR VOLUMES.)

LOST HILLS MINING COMPANY, a Corpora-
tion, and UNIVERSAL OIL COMPANY,
a Corporation,

Appellants,

vs.

THE UNITED STATES OF AMERICA,
Appellee.

VOLUME II.
(Pages 385 to 800, Inclusive.)

Upon Appeal from the United States District Court for the
Southern District of California, Northern Division.

FILED
JAN 16 1918
F. B. H. 100-100

United States
Circuit Court of Appeals

For the Ninth Circuit.

Transcript of Record.
(IN FOUR VOLUMES.)

**LOST HILLS MINING COMPANY, a Corpora-
tion, and UNIVERSAL OIL COMPANY,
a Corporation,**

Appellants,

VS.

THE UNITED STATES OF AMERICA,

Appellee.

VOLUME II.
(Pages 385 to 800, Inclusive.)

**Upon Appeal from the United States District Court for the
Southern District of California, Northern Division.**

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

NOTICE OF LOCATION PLACER CLAIM.

Notice is hereby given, that the undersigned citizen of the United States, in compliance with the requirements of the Revised Statutes of the United States have this day located the following described placer mining ground, viz.:

The Northwest quarter Section 32, Township 26 South, Range 21 East, M. D. B. & M., situate in the Lost Hills Mining District, County of Kern, State of California.

This claim shall be known as the Petroleum Placer Mining Claim.

Located 14th day of February, 1907.

H. WIDMER.

J. W. McCORD.

J. GILLESPEE.

H. J. LIGHT.

J. H. BUTTS.

J. N. HOYT.

A. R. ORR.

W. B. WALLACE.

[204]

I hereby certify the above and foregoing to be a true and correct copy of the original, filed for record at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at 10 minutes past 9 o'clock A. M.

CHAS. A. LEE,

Recorder.

By _____,

Deputy Recorder.

State of California,

County of Kern.

I, Chas. A. Lee, County Recorder of said county, do hereby certify that the annexed is a whole, true and correct copy of an original as will appear by reference to Book 40 of Mining Records, p. 292, now in my office, and that said copy has been compared with the original and is a correct transcript therefrom.

WITNESS my hand and official seal this 8th day of November, A. D. 1911.

CHAS. A. LEE,
Recorder in and for the County of Kern, California.

By _____,
Deputy.

[Official Seal County Recorder, Kern Co., Cal.]

[205]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

CERTIFIED COPY OF ARTICLES OF INCOR-
PORATION.

(Here appears a certified copy of Articles of In-
corporation of the Lost Hills Mining Company,
which is identically the same as the copy of the cer-
tified Articles of Incorporation as appears in Ex-
hibit "A," with the exception that the certificate
of the Secretary of State is numbered 19369, instead
of 18233, is dated the 2d day of November, 1911,
is signed by Frank C. Jordan, Secretary of State,

personally, and is numbered in the application for patent herein pages 14, 15, 16, 17 and 18.) [206]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

RESOLUTION APPOINTING AGENT.

(See page following.) [207]

RESOLUTION APPOINTING AGENT.

WHEREAS, this corporation, the Lost Hills Mining Company, a corporation duly organized under the laws of the State of California, is the owner of certain oil placer mining claims in the County of Kern, State of California, for which it desires and is about to apply for United States patent; and

WHEREAS, the principal place of business of this corporation is the City and County of San Francisco, State of California, and without the United States Land District in which said mining claims are situate;

NOW THEREFORE, BE IT RESOLVED:

That O. D. Barton, who is a citizen of the United States, over the age of twenty-one years, be, and

he is hereby, appointed the agent of this company for the purpose of making applications for United States patent to the mining claims owned by this company, and he is hereby authorized and empowered to make, execute, sign and verify any and all instruments in writing necessary to be made in connection with said patent proceedings, and any documents which it may be necessary to file in the Department of the Interior of the United States in connection with and pertaining to such patent proceedings for and on the behalf of this corporation, and as its act and deed.

I, James H. Cameron, the duly elected, qualified and acting Secretary of the Lost Hills Mining Company, a corporation, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed by the Board of Directors of said company at a meeting duly held by said board on the 29th day of May, 1911, and that the original of said resolution is recorded in the Book of Minutes of said company.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said company the 2d day of June, 1911.

JAMES H. CAMERON,

Secretary.

[Corporate Seal of Lost Hills Mining Company.]

[208]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

PROOF OF IMPROVEMENTS.

State of California,
County of Tulare,—ss.

O. D. Barton, being duly sworn according to law,
upon his oath, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and that he is the person
designated and duly authorized and empowered by
resolution of the Board of Directors of the Lost
Hills Mining Company, a corporation, to make on
behalf of said company all affidavits and to execute
any and all instruments in writing pertaining to the
application by said company for United States Pat-
ent to the Petroleum Placer Mining Claim, situate
in the County of Kern, State of California, embracing
the land hereinbefore described, as more particularly
appears by the certified copy of resolution of the

Board of Directors of said company on file herewith.

That the applicant has opened up and developed an extensive [209] and valuable deposit of gypsum of good commercial quality upon said land; that in exploring and developing said deposit the applicant has excavated a total area of about 47,000 square feet and various cuts aggregating a length of about 166 feet, with a width of 8 feet and a depth of about 11½ feet on the NW. ¼ of said Section 32.

That all of said excavations and said cuts are made upon the deposit of gypsum that exists upon said land, but though extensive as this work is, does not disclose the full extent of the deposit of said mineral on said quarter section.

That said mineral exists in layers or blanket formation, one of which is about 3 feet in thickness, lying close to the surface of the ground, and the other layer is about 60 feet in thickness, beginning about seven feet below the surface.

That in both layers or blankets of gypsum above mentioned said mineral is of sufficient purity to make it valuable for use in the various ways in which such mineral is employed commercially. That the development work aforesaid discloses the existence of many thousands of tons of gypsum on the land involved in this application, which has a value of at least \$2.00 per ton on the ground.

That the applicant, in addition to the work done thereon, as hereinbefore stated, has bored a well in the NW. corner thereof to the depth of about 860 feet in and by which a deposit of petroleum has been

developed which produces through said well petroleum at the rate of about 100 barrels per day.

That in the work of developing the gypsum as aforesaid on the land involved in this application, the applicant has expended at least \$700.00 and in the boring of the well thereon above mentioned it has expended over \$9,000.00.

O. D. BARTON. [210]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponent a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[211]

CORROBORATION BY TWO DISINTERESTED WITNESSES.

State of California,
County of Tulare,—ss.

Earl Northrop and J. N. Young, each for himself and not one for the other, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and not interested in the application for patent made by the Lost Hills Mining Company for the Petroleum Placer Mining Claim, covering the NW. $\frac{1}{4}$ of Section 32, T. 26 S.,

R. 21 E., M. D. M., Kern County, California.

That he is familiar with said land and the whole thereof, having been upon and over the same frequently, and knows what work and improvements the said applicant has caused to be done and made thereupon; that he has read the foregoing affidavit of O. D. Barton and knows the contents thereof; that the said affidavit correctly states and describes the work and improvements upon the land hereinbefore described; that the drilling outfit and well mentioned in said affidavit are actually upon the ground and that said work and improvements cost at least as much as it is stated to have cost in said affidavit of O. D. Barton.

EARL NORTHROP.

J. N. YOUNG.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and [212] examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[213]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

AFFIDAVIT OF NONEXISTENCE OF LODGE OR
VEIN.

State of California,
County of Tulare,—ss.

O. D. BARTON, being first duly sworn, according
to law, upon his oath deposes and says:

That he is a citizen of the United States, over
the age of twenty-one years, and that he is the per-
son designated and duly authorized and empowered
by resolution of the Board of Directors of the Lost
Hills Mining Company, a corporation, to make on
behalf of said Company all affidavits and to execute
any and all instruments in writing pertaining to
the application by said company for United States
Patent to the Petroleum Placer Mining Claim, situ-
ate in the county of Kern, State of California, em-
bracing the land hereinbefore described, as more
particularly appears by the certified copy of reso-

lution of the Board of Directors of the said Company on file herewith.

That affiant is now and for a long time prior hereto has been thoroughly familiar with the NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. [214] 21 E., M. D. B. & M., Kern County, California, having been upon and over the same frequently.

That no known lode or vein of quartz or other rock in place bearing gold, silver, copper, cinnabar, or other mineral, exists within the boundaries of said land, and affiant verily believes that no such lode or vein exists therein.

That this affiant makes this affidavit on behalf of the applicant above named, the Lost Hills Mining Company, a corporation.

O. D. BARTON.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above a credible and reliable person and that the foregoing affidavit was read and examined by him before his signature was affixed thereto and the oath made by him.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[215]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corporation,
for Patent to the PETROLEUM PLACER
MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., Kern County, California,
containing 160 acres.

AFFIDAVIT OF DISINTERESTED WITNESSES
OF NONEXISTENCE OF LODGE OR VEIN.

State of California,
County of Tulare,—ss.

Earl Northrop and J. N. Young, being each duly
sworn according to law, each for himself, upon his
oath deposes and says:

That he is a citizen of the United States over the
age of twenty-one years and not interested in any
way in the land involved in this application or in
any part thereof.

That affiant is now and for a long time prior
hereto has been thoroughly familiar with the NW. $\frac{1}{4}$
of Section 32, T. 26 S., R. 21 E., M. D. B. & M., Kern
County, California, having been upon and over the
same frequently.

That no known lode or vein or quartz or other rock
in place bearing gold, silver, copper, cinnabar, or

other mineral exists within the boundaries of said land and affiant verily believes that no such lode or vein exists therein.

EARL NORTHROP.

J. N. YOUNG. [216]

Subscribed and sworn to before me this 10th day of November, A. D. 1911, at Visalia, California, and I hereby certify that I consider the above deponents credible and reliable persons and that the foregoing affidavit was read and examined by them before their signatures were affixed thereto and the oath made by them.

[Seal]

D. E. PERKINS,

Notary Public in and for the County of Tulare, State of California, Duly Commissioned and Sworn.

[217]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST HILLS
MINING COMPANY, a Corporation, for
Patent to the PETROLEUM PLACER MIN-
ING CLAIM.

EMBRACING:

The NW, $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

PROOF OF POSTING NOTICE UPON CLAIM.

State of California.

County of Kern,—ss.

F. H. Davis and Chester H. Miller, each for himself and not one for the other, being first duly sworn, according to law, upon his oath deposes and says:

That he is a citizen of the United States over the age of twenty-one years and was present upon the tenth day of November, A. D. 1911, when the Notice of Intention of the Lost Hills Mining Company, a corporation, to apply for United States Patent for the Petroleum Placer Mining Claim, embracing the NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., was posted upon the ground.

That said notice was so posted and in such a conspicuous place upon said placer mining claim at and upon the derrick over the oil well upon said claim that said notice could be easily and readily seen and examined. [218]

A copy of said notice so posted upon said claim as aforesaid is hereto attached, hereby referred to and made a part of this affidavit.

F. H. DAVIS.

CHESTER H. MILLER.

Subscribed and sworn to before me this 10th day of November, A. D. 1911, and I hereby certify that I consider the above deponents credible and reliable persons, and that the foregoing affidavit was read and examined by them before their signatures were

affixed thereto and the oath made by them.

[Seal]

JOHN F. GREEN,

Notary Public in and for the County of Kern, State
of California, Duly Commissioned and Sworn.

[219]

NOTICE OF APPLICATION FOR PATENT

(Not Coal Land.)

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

NOTICE IS HEREBY GIVEN that pursuant to the laws of the United States relating to the sale of lands commonly known as "Placers" and in accordance with the rules and regulations of the Secretary of the Interior promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, intends to make application for United States Patent for the

PETROLEUM PLACER MINING CLAIM,
embracing NW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California, containing an area of 160 acres, the Notice of Location of which is recorded in Book 40 of Mining Records, at page 292, in the office of the County Recorder of said County of Kern.

No claims adjoin said claim which conflict therewith as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

POSTED UPON THE GROUND this 10th day
of November, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent.

Witnesses to posting:

F. H. DAVIS.

CHESTER H. MILLER. [220]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the PETROLEUM
PLACER MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

PUBLISHER'S CONTRACT.

State of California,
County of Kern,—ss.

The undersigned, the Editor and Publisher of the
“Delano Record,” a weekly newspaper published in
Delano, Kern County, California, hereby agrees to
publish the Notice of Intention of the Lost Hills
Mining Company, a corporation, to apply for patent
to the Petroleum Placer Mining Claim, as required
by Act of Congress approved May 10, 1872, and
Amendments thereof, and the Act of Congress relat-

ing to the sale and disposition of public lands chiefly valuable for petroleum, situate in the County of Kern, and to hold the said Lost Hills Mining Company, a corporation, alone responsible for the amount of the bill for publishing the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents, for such publication. [221]

IN WITNESS WHEREOF, the undersigned has duly executed this agreement this 13th day of November, A. D. 1911.

C. H. SEIDERS,
Editor and Publisher. [222]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. —.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the PETROLEUM
PLACER MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

AUTHORITY TO SEND NOTICES.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, the Lost Hills Mining Company,
a corporation, the applicant in the above-entitled

and numbered application, hereby authorizes you or either of you to send all notices concerning said application to U. T. Clotfelter, attorney at law, 409 Kerckhoff Building, Los Angeles, California, and agrees that notices so sent shall be deemed to be notices to the undersigned.

Dated November 10th, A. D. 1911.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [223]

Feby. 24, 1912.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448—679645.

In the Matter of the Application of the LOST HILLS MINING COMPANY, a Corporation, for Patent to the PETROLEUM PLACER MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

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IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the PETROLEUM
PLACER MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

PROOF OF CONTINUOUS POSTING.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn, according to
law, deposes and says:

That he is a citizen of the United States over the
age of twenty-one years, and is duly authorized to
act for and on behalf of the applicant above named,
as is shown by the duly certified copy of resolution
of said company conferring said authority upon
him, on file in the above-entitled proceeding.

That the notice of intention of the applicant
herein to apply for patent for the

PETROLEUM PLACER MINING CLAIM,
embracing the lands hereinbefore described, was
posted upon said mining claim on the 10th day of
November, 1911, as is fully set forth and described
in the affidavit of F. H. Davis and Chester H. Miller,
dated the 10th day of November, 1911, which affidavit

was duly filed in the office of the Register of the United States Land [225] Office at Visalia, in the State of California.

That said notice posted as aforesaid remained continuously and conspicuously posted upon said mining claim from the 10th day of November, 1911, to and including the 15th day of February, 1912, including the sixty-day period during which the notice of said application for patent was published in the newspaper.

O. D. BARTON.

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that I consider the above affiant a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto and the oath made by him.

[Seal]

E. C. FARNSWORTH,

Notary Public in and for the County of Tulare,
State of California, Duly Commissioned and
Sworn. [226]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the PETROLEUM
PLACER MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

PROOF OF PUBLICATION OF NOTICE.

State of California,
County of Kern,—ss.

(Here is newspaper clipping which is verbatim the same as Notice of Application for Patent herein given, signed and posted by Geo. W. Stewart, Register United States Land Office, Visalia, California).

C. H. Seiders, being duly sworn deposes and says that he is the Editor and Publisher of the "Delano Record," and has charge of and attends to the matter of publishing of all notices received from the above-entitled Land Office; that the annexed notice was published in the "Delano Record," a weekly newspaper published in the town of Delano, County of Kern, State of California, in each issue of said paper for ten (10) consecutive weeks, the first publication being on the 7th day of December, 1911, and the last [227] publication being on the 8th day of February, 1912.

C. H. SEIDERS.

Subscribed and sworn to before me this 21st day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the

foregoing affidavit was read by him before his name was subscribed thereto.

[Seal]

W. B. TIMMONS,

Notary Public in and for the County of Kern, State of California, Duly Commissioned and Sworn.

[228]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the PETROLEUM
PLACER MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

APPLICATION TO PURCHASE.

To the Register and Receiver of the United States
Land Office, Visalia, California.

The undersigned, LOST HILLS MINING COM-
PANY, a corporation, under the provisions of the
Revised Statutes of the United States, Chapter VI,
Title 32, and legislation of Congress supplemental
thereto, hereby applies to purchase that certain
placer mining claim known as the Petroleum Placer
Mining Claim, embracing the NW. $\frac{1}{4}$ of Section 32,
T. 26 S., R. 21 E., M. D. B. & M., containing 160
acres according to the system of public lands survey
of the United States, and hereby agrees to pay there-

for the sum of \$400.00 being the legal price thereof.

Dated February 24th, 1912.

LOST HILLS MINING COMPANY,

By O. D. BARTON,

Its Duly Authorized Agent. [229]

I, George W. Stewart, Register of the United States Land Office, at Visalia, California, do hereby certify that the aforesaid mining claim as applied for above is subject to entry by the above-named applicant that the area of said claim is 160 acres and that the legal price thereof is \$400.00.

Dated February, 1912.

(No signature.)

Register. [230]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448.

In the Matter of the Application of the LOST
HILLS MINING COMPANY, a Corpora-
tion, for Patent to the PETROLEUM
PLACER MINING CLAIM.

EMBRACING:

The NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E.,
M. D. B. & M., in Kern County, California,
containing 160 acres.

SWORN STATEMENT OF CHARGES AND FEES PAID.

State of California,
County of Tulare,—ss.

O. D. Barton, being first duly sworn according to law, deposes and says:

That he is a citizen of the United States over the age of twenty-one years and is duly authorized to act for and on behalf of the applicant above named, as is shown by the duly certified copy of resolution of said company conferring said authority upon him, on file in the above-entitled proceeding.

That in the prosecution of the above-entitled and numbered application the said applicant has paid the sums of money following:

| | |
|---|----------|
| To the Register and Receiver for Filing Ap- plication for Patent | \$ 10.00 |
| For Publication of Notice of Application ... | 25.00 |
| For Purchase Price of Land | 400.00 |
| <hr/> | |
| Total..... | \$435.00 |

O. D. BARTON. [231]

Subscribed and sworn to before me this 24th day of February, A. D. 1912, and I hereby certify that affiant is a credible and reliable witness and that the foregoing affidavit was read by him before his name was subscribed thereto.

[Seal] E. C. FARNSWORTH,
Notary Public in and for the County of Kern, State
of California, Duly Commissioned and Sworn.

[232]

NOTICE OF APPLICATION FOR PATENT—
03448.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States Patent for the

PETROLEUM PLACER MINING CLAIM
situate in the County of Kern, State of California, embracing the NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, a notice of location of which is recorded in Book 40 of Mining Records at page 292, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of First Publication, —, A. D. 1911.

Feb. 29, 1912.

4-229.

03448.

CERTIFICATE THAT NOTICE REMAINED
POSTED SIXTY DAYS.

UNITED STATES LAND OFFICE.

At Visalia, Calif., February 29, 1912.

I hereby certify that a notice, of which the attached notice is a copy of application No. 03448 by Lost Hills Mining Company for a patent for the Petroleum Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 2d day of December, A. D. 1911, and remained posted until the 29th day of February, A. D. 1912; that during that time the plat of the official survey No. — of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,

Register. [234]

(Withdrawn Not Coal Lands.)

Feb. 2, 1912.

Received

For Field Division.

Dec. 6, 1911.

Second Field Division.

03448.

NOTICE OF APPLICATION FOR PATENT.
IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

MINERAL ENTRY No. 03448.

December 2, 1911.

Notice is hereby given that pursuant to the laws of the United States relating to the sale of lands commonly known as "placers," and in accordance

with the Rules and Regulations promulgated under such laws, the Lost Hills Mining Company, a corporation, whose postoffice address is 221 Crocker Building, City and County of San Francisco, State of California, has made application for United States patent for the

PETROLEUM PLACER MINING CLAIM

situate in the County of Kern, State of California, embracing the NW. $\frac{1}{4}$ of Section 32, T. 26 S., R. 21 E., M. D. B. & M., in Kern County, California, containing an area of 160 acres, a notice of location of which is recorded in Book 40 of Mining Records at page 292, in the office of the Recorder of said County of Kern.

No claims adjoin said mining claim which conflict therewith, as said claim and all others adjacent thereto are located in accordance with the United States Survey of said land.

GEO. W. STEWART,

Register.

Date of first publication —, A. D. 1911.

(Stamped in red ink is the following, in which is written the underlined portions:)

PROTEST

against the validity of this entry is filed in this office.

A. O. White,

Acting Chief of Field Division.

Jan. 31, 1912.

(Date). [235]

EXHIBIT "F."

4-131.

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

RECEIPT.

No. 679645.

Use Copying Ink only
on this Receipt.

U. S. LAND OFFICE, Visalia, Calif.

Feby. 24, 1912.

RECEIVED OF Lost Hills Mining Company,

(Name)

Crocker Bldg., San Francisco, Calif., the sum of

(Address.)

Four hundred Dollars and — Cents, — in
connection with Mineral Application SERIAL No.
03448, for:

NW. $\frac{1}{4}$ Section 32,
Township 26 S., Range 21 E., M. D. Meridian,
160 acres, at \$2.50 per acre.....\$400.

Fees

Commissions

Testimony fees: — words at — cents per

100 words

Contest fees: — words at — cents per

100 words

Transcripts of Records: — words at —

cents per 100 words.....

Total\$400.

A. H. SWAIN,

No. 679645.

(Signature)

Receiver of Public Moneys.

This receipt is evidence only of the receipt of the amount indicated, and must be issued at the time the money is received, without regard to the subsequent allowance or rejection of the application, entry, etc., due notice of which will be given.

In case of error in this Receipt, notify the Receiver of Public Moneys where issued, and the Commissioner of the General Land Office, Washington, D. C.

In writing to the local land office or the General Land Office concerning the application or entry in connection with which this Receipt issued, always give the above SERIAL Number and the RECEIPT Number. [236]

EXHIBIT "G."

4-131.

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

RECEIPT.

No. 679646.

Use Copying Ink only
on this Receipt.

U. S. LAND OFFICE, Visalia, Calif.

Feby. 24, 1912.

RECEIVED OF Lost Hills Mining Company,

(Name)

Crocker Bldg., San Francisco, Calif., the sum of

(Address.)

Four hundred Dollars and — Cents, — in
connection with Mineral Application SERIAL No.
03457, for:

NE. $\frac{1}{4}$ Section 32,
Township 26 S., Range 21 E., M. D. Meridian,
160 acres, at \$2.50 per acre.....\$400.

| | |
|---|--------|
| Fees | |
| Commissions | |
| Testimony fees: — words at — cents per 100 words | |
| Contest fees: — words at — cents per 100 words | |
| Transcripts of Records: — words at — 100 words | |
| Total | \$400. |

A. H. SWAIN,

No. 679646.

(Signature)

Receiver of Public Moneys.

This Receipt is evidence only of the receipt of the amount indicated, and must be issued at the time the money is received, without regard to the subsequent allowance or rejection of the application, entry, etc., due notice of which will be given.

In case of error in this Receipt, notify the Receiver of Public Moneys where issued, and the Commissioner of the General Land Office, Washington, D. C.

In writing to the local land office or the General Land Office concerning the application or entry in connection with which this Receipt issued, always give the above SERIAL Number and the RECEIPT Number. [237]

EXHIBIT "H."

4-131.

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

RECEIPT.

No. 679648.

Use Copying Ink only
on this Receipt.

U. S. LAND OFFICE, Visalia, Calif.

Feby. 24, 1912.

RECEIVED OF Lost Hills Mining Company,

(Name)

Crocker Bldg., San Francisco, Calif., the sum of

(Address.)

Four hundred Dollars and — Cents, — in
connection with Mineral Application SERIAL No.
03459, for:

SW. $\frac{1}{4}$ Section 32,

Township 26 S., Range 21 E., M. D. Meridian,

160 acres, at \$2.50 per acre.....\$400.

Fees

Commissions

Testimony fees: — words at — cents per

100 words

Contest fees: — words at — cents per

100 words

Transcripts of Records: — words at —

cents per 100 words.....

Total\$400.

A. H. SWAIN,

(Signature)

No. 679648

Receiver of Public Moneys.

This Receipt is evidence only of the receipt of the amount indicated, and must be issued at the time the money is received, without regard to the subsequent allowance or rejection of the application, entry, etc., due notice of which will be given.

In case of error in this Receipt, notify the Receiver of Public Moneys where issued, and the Commissioner of the General Land Office, Washington, D. C.

In writing to the local land office or the General Land Office concerning the application or entry in connection with which this Receipt issued, always give the above SERIAL Number and the RECEIPT Number. [238]

EXHIBIT "I."

4-131.

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

RECEIPT.

No. 679644.

Use Copying Ink only
on this Receipt.

U. S. LAND OFFICE, Visalia, Calif.

Feby. 24, 1912.

RECEIVED OF Lost Hills Mining Company,
(Name)

Crocker Bldg., San Francisco, Calif., the sum of
(Address.)

Four hundred Dollars and — Cents, — in
connection with Mineral Application SERIAL No.
03432, for:

SE. $\frac{1}{4}$

Section

30,

Township 26 S., Range 21 E., M. D. Meridian,
160 acres, at \$2.50 per acre.....\$400.

Fees

Commissions

Testimony fees: — words at — cents per
100 words

Contest fees: — words at — cents per
100 words

Transcripts of Records: — words at —
cents per 100 words.....

Total\$400.

A. H. SWAIN,

No. 679644. (Signature)

Receiver of Public Moneys.

This Receipt is evidence only of the receipt of the amount indicated, and must be issued at the time the money is received, without regard to the subsequent allowance or rejection of the application, entry, etc., due notice of which will be given.

In case of error in this Receipt, notify the Receiver of Public Moneys where issued, and the Commissioner of the General Land Office, Washington, D. C.

In writing to the local land office or the General Land Office concerning the application or entry in connection with which this Receipt issued, always give the above SERIAL Number and the RECEIPT Number. [239]

EXHIBIT "J."

4-131.

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

RECEIPT.

No. 679643.

Use Copying Ink only
on this Receipt.

U. S. LAND OFFICE, Visalia, Calif.

Feby. 24, 1912.

RECEIVED OF Lost Hills Mining Company,
(Name)

Crocker Bldg., San Francisco, the sum of Four
(Address.)

hundred and five Dollars and — Cents, — in
connection with Mineral Application SERIAL No.
03431, for:

| | | | |
|--|-------------------|----------|-----------|
| | NW. $\frac{1}{4}$ | Section | 30 |
| Township 26 S., | Range 21 E., | M. D. | Meridian, |
| 161.85 acres, at \$2.50 per acre..... | | \$405.00 | |
| Fees | | | |
| Commissions | | | |
| Testimony fees: — words at — cents per | | | |
| 100 words | | | |
| Contest fees: — words at — cents per | | | |
| 100 words | | | |
| Transcripts of Records: — words at — cents per | | | |
| 100 words. | | | |

Total\$405.00

A. H. SWAIN,

No. 679643.

(Signature)

Receiver of Public Moneys.

This Receipt is evidence only of the receipt of the amount indicated, and must be issued at the time the money is received without regard to the subsequent allowance or rejection of the application, entry, etc., due notice of which will be given.

In case of error in this Receipt, notify the Receiver of Public Moneys where issued, and the Commissioner of the General Land Office, Washington, D. C.

In writing to the local land office or the General Land Office concerning the application or entry in connection with which this Receipt issued, always give the above SERIAL Number and the RECEIPT Number. [240]

EXHIBIT "K."

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

Visalia, California, February 29, 1912.

The Commissioner of the General Land Office,
Washington, D. C.

Sir: We have the honor to transmit herewith a
Application 03431
complete record in Mineral Entry No. — for the
Lost Hills Placer Oil Claim, as follows:

- 1 Application for Patent.
- Field Notes, including Surveyor-General's certificate of improvements.
- Plat, Survey No. — mailed under separate cover.
- Copy of Location Certificate (attached to application for patent).

1 Abstract of Title.

Articles of Incorporation (attached to application).

Power of Attorney (attached to application).

- Surveyor-General's Certificate of Improvements (not included in field notes).

Proof of Improvements—placer, legal subdivision (attached to application).

- Mineral Surveyor's Report on Placers (approved by United States Surveyor-General).

Proof that no known vein exists (attached to application).

- Affidavit, nonmineral character of mill site.

- Affidavit, use or occupancy of mill site.

- Proof of Posting Plat and Notice on the Claim (attached to application).

1 Proof of Continuous Posting during period of publication.

1 Certificate of Posting Plat and Notice in the United States Land Office.

Proof of Publication (attached to proof of continuous posting).

Agreement of Publisher (attached to application).

Adverse Claims—none. [241]

(Give serial No. of each adverse claim; if none, so state.)

- Court Certificates.

- Protests. Notice of, by C. F. D.

- Application to purchase (attached to proof of continuous posting).

- Sworn statement of all Charges and Fees paid (attached to proof of continuous posting).

- Receiver's Receipt.
- Register's Final Certificate.
- 1 Form 4-024b.
- 5 Inclosures.

GEO. W. STEWART,
Register.

Receiver. [242]

EXHIBIT "L."

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Visalia, California, February 29, 1912, 191—.

The Commissioner of the General Land Office,
Washington, D. C.

Sir: We have the honor to transmit herewith a
Application 03432

complete record in Mineral Entry No. — for the
Signal Placer Mining Claim, as follows:

- 1 Application for Patent.
- Field Notes, including Surveyor-General's certificate of improvements.
- Plat, Survey No. — mailed under separate cover.
- Copy of Location Certificate (attached to application for patent).
- 1 Abstract of Title.
- Articles of Incorporation (attached to application).
- Power of Attorney (attached to application).
- Surveyor-General's Certificate of Improvements (not included in field notes).

- Proof of Improvements—placer, legal subdivision (attached to application).
- Mineral Surveyor's Report on Placer (approved by United States Surveyor-General).
 - Proof that no known vein exists (attached to application).
 - Affidavit, nonmineral character of mill site.
 - Affidavit, use or occupancy of mill site (attached to application).
 - 1 Proof of Posting Plat and Notice on the Claim.
 - 1 Proof of Continuous Posting during period of publication.
 - Certificate of Posting Plat and notice in the United States Land Office.
 - Proof of Publication (attached to proof of continuous posting).
 - Agreement of Publisher (attached to application).
 - Adverse Claims—none. [243]
(Give serial No. of each adverse claim; if none, so state.)
 - Court Certificates.
 - Protests, Notice of, by C. F. D.
 - Application to purchase (attached to proof of continuous posting).
 - Sworn statement of all Charges and fees Paid (attached to proof of continuous posting).
 - Receiver's Receipt.

— Register's Final Certificate.

1 Form 4-024b.

5. Enclosures.

GEO. W. STEWART,
Register.

Receiver. [244]

EXHIBIT "M."

DEPARTMENT OF THE INTERIOR.
UNITED STATES LAND OFFICE.

Visalia, California, February 29, 1912. 191—

The Commissioner of the General Land Office,
Washington, D. C.

Sir: We have the honor to transmit herewith a
Application 03457

complete record in Mineral Entry No. — for the
Eagle Placer Mining claim, as follows:

1 Application for Patent.

— Field Notes, including Surveyor-General's cer-
tificate of improvements.

— Plat, Survey No. — mailed under separate
cover.

— Copy of Location Certificate (attached to appli-
cation for patent).

1 Abstract of Title.

Articles of Incorporation (attached to applica-
tion).

— Power of Attorney (attached to application.)

— Surveyor-General's Certificate of Improvements
(not included in field notes).

- Proof of Improvements—placer, legal subdivision (attached to application).
- Mineral Surveyor's Report on Placers (approved by United States Surveyor-General).
- Proof that no known vein exists (attached to application).
- Affidavit nonmineral character of mill-site.
- Affidavit, use or occupancy of mill-site.
- Proof of Posting Plat and Notice on the claim (attached to application).
- 1 Proof of Continuous Posting during period of Publication.
- 1 Certificate of Posting Plat and Notice in the United States Land Office.
- Proof of Publication (attached to proof of continuous posting).
- Agreement of Publisher (attached to application).
- Adverse Claims—none.

(Give serial No. of each adverse claim; if none,
so state.)

[245]

- Court Certificates.
- Protests. Notice of, by C. F. D.
- Application to purchase (attached to proof of continuous posting).
- Sworn Statement of all Charges and Fees Paid (attached to proof of continuous posting).
- Receiver's Receipt.

— Register's Final Certificate.

1 Form 4-024b.

5 Inclosures.

GEO. W. STEWART,
Register.

Receiver. [246]

EXHIBIT "N."

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

Visalia, California, February 29, 1912, 191—.

The Commissioner of the General Land Office,
Washington, D. C.

Sir: We have the honor to transmit herewith a
(Application 03459

complete record in Mineral (Entry No. — for the
Judge Placer Mining claim, as follows:

1 Application for Patent.

— Field Notes, including Surveyor-General's certificate of improvements.

— Plat, Survey No. — mailed under separate cover.

— Copy of Location Certificate (attached to application for patent).

1 Abstract of Title.

— Articles of Incorporation (attached to application).

— Power of Attorney (attached to application).

— Surveyor-General's Certificate of Improvements (not included in field notes).

- Proof of Improvements—placer, legal subdivision (attached to application).
- Mineral Surveyor's Report on Placers (approved by United States Surveyor-General).
- Proof that no known vein exists (attached to application).
- Affidavit, nonmineral character of mill site.
- Affidavit, use or occupancy of mill site.
- Proof of Posting Plat and Notice on the Claim (attached to application).
- 1 Proof of Continuous Posting during period of publication.
- 1 Certificate of Posting Plat and Notice in the United States Land Office.
- Proof of Publication (attached to proof of continuous posting).
- Agreement of Publisher (attached to application).
- Adverse Claims—none.

(Give serial No. of each adverse claim; if none,
so state.)

[247]

- Court Certificates.
- Protests. Notice of, by C. F. D.
- Application to purchase (attached to proof of continuous posting).
- Sworn Statement of all Charges and Fees Paid (attached to proof of continuous posting).
- Receiver's Receipt.

— Register's Final Certificate.

1 Form 4-024b.

5 Inclosures.

GEO W. STEWART,
Register.

Receiver. [248]

EXHIBIT "O."

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

Visalia, California, February 29, 1912.

The Commissioner of the General Land Office,
Washington, D. C.

Sir: We have the honor to transmit herewith a

(Application 03448

complete record in Mineral (Entry No. — for the
Petroleum Placer Mining Claim, as follows:

1 Application for Patent.

— Field Notes, including Surveyor-General's certificate of improvements.

— Plat, Survey No. — mailed under separate cover.

— Copy of Location Certificate (attached to application for patent).

1 Abstract of Title.

— Articles of Incorporation (attached to application).

— Power of Attorney (attached to application).

— Surveyor-General's Certificate of Improvements (not included in field notes).

- Proof of Improvements—placer, legal subdivision (attached to application).
- Mineral Surveyor's Report on Placers (approved by United States Surveyor-General).
- Proof that no known vein exists (attached to application).
- Affidavit nonmineral character of mill site.
- Affidavit, use or occupancy of mill site.
- Proof of Posting Plat and Notice on the Claim (attached to application).
- 1 Proof of Continuous Posting during period of publication.
- 1 Certificate of Posting Plat and Notice in the United States Land Office.
- Proof of Publication (attached to proof of continuous posting).
- Agreement of Publisher (attached to application).
- Adverse Claims—none.

(Give serial No. of each adverse claim; if none, so state.)

[249]

- Court certificates.
- Protests. Notice of, by *C. D. F.*
- Application to purchase (attached to proof of continuous posting).
- Sworn Statement of all Charges and Fees Paid (attached to proof of continuous posting).
- Receiver's Receipt.

— Register's Final Certificate.

1 Form 4-024b.

5 Inclosures.

GEO W. STEWART,

Register.

Receiver. [250]

EXHIBIT "P."

THIS INDENTURE made this eighteenth day of March, 1909, by and between the undersigned parties of the first part and LOST HILLS MINING COMPANY (a corporation), party of the second part, witnesseth:

That whereas, in February, 1907, the parties named herein located twenty-three Placer Mining Claims of one hundred and sixty acres each, there being a group of eight locators for each claim, which claims were located in Kern County, State of California, in township twenty-six south range twenty-one east, M. D. B. and M. and comprised all of sections eight, eighteen, twenty, twenty-eight, thirty-two, and the west half and southeast quarter of section thirty.

And whereas, T. E. Clark, E. L. Martin, Seth Smith, J. F. Jordan, D. C. Overall (WmL) and B. J. Ball (whose name by mistake was written *B. G. Ball* on the location notice), were each and every one of the locators on one of said claims; and E. D. Barton, J. J. Cortner, L. E. Hall, F. T. Hall, S. W. Hall and W. F. Hall, were each and every one of the locators on (WML) each of two of said claims; and Adolph

Levis, R. C. Hardin, William Lindemann, (whose name by mistake was written William Linderman on the location notice) and H. L. Parker, were each and every one of the locators of each and every of three of said claims; and A. H. Murray, Jr., and Hugh McPhaill were each, one of the locators of each and every of four of said claims; and A. R. Orr, J. Gillespie, J. W. Thompson, L. M. Frederick, B. L. Barney, C. W. Barrett, H. J. Light, H. J. Hoyt, and F. R. Hight were each and every one of the locators of each and every of five of said claims; and O. D. Barton was one of the locators of each and every of seven of said claims; and J. W. McCord was one of the locators of each and every of nine of said claims; and J. H. Butts, John Anderson and J. N. Hoyt were each and every, [251] one of the locators of each and every of ten of said claims; and H. Widmer and C. A. Butts were each, one of the locators of each and every of eleven of said claims; and Sarah McCord was one of the locators of each and every of twelve of said claims; and W. B. Wallace was one of the locators of each and every of twenty-one of said claims.

And whereas, all the aforesaid persons, said locators did on March 10th, 1908, enter into a mutual written agreement wherein they agreed to unite all their interests in all of said lands so that each and every of them should have an interest therein and share the profits to be derived therefrom in the proportion that the several interests as located bear to the whole acreage located and owned by all of them, and agreed not to sell, grant or encumber their in-

terests during the life of said agreement (which agreement is of record in Kern County and is yet alive).

And whereas, all of said persons, said locators, did, subsequently agree in writing that a corporation be formed with a capital stock of thirty-six thousand eight hundred shares of the par value of one dollar per share to which corporation they each and all agreed to grant and convey all their right, title and interest in all of said lands and mining claims herein described, in consideration of each and every thereof receiving from said corporation two hundred shares of the capital stock thereof for each and every of said mining claims of which he was one of the locators.

And whereas, defendant, LOST HILLS MINING COMPANY, was organized and incorporated in pursuance of said agreement, and after notice to all of said locators, and at a regular meeting of its board of directors held on March 13, 1909, did adopt the following resolution as appears by the records of said corporation, to wit:

“Whereas in February, 1907, various persons located twenty-three [252] placer mining claims in township 26 south range 21 east M. D. B. & M., comprising all of sections 8, 18, 20, 28, 32 and the west half and southeast quarter of section 30. And whereas, the LOST HILLS MINING COMPANY has been incorporated in pursuance of an agreement of all of said persons by which agreement it was provided that a corporation should be formed with capital stock of \$26,800.00, divided into shares of the

par value of \$1.00 per share and that said persons would grant to such corporation all their right, title and interest in said lands and all thereof in consideration of such corporation issuing them severally, two hundred shares of the capital stock of such corporation for every equivalent of a twenty-acre interest therein, and this corporation having been formed under the provisions of such agreement.

It is resolved that this corporation purchase from each and all of said persons the locators of said lands or their successors in interest all their interest therein and pay therefor with shares of this corporation, giving therefor two hundred shares for the equivalent of a twenty-acre interest. Provided, however, that the several directors of this corporation being each the owner of one share of the capital stock, each and every thereof shall receive one share less than any other owner for his interest in said lands.

Resolved that the secretary hereof be authorized to receive and place on record in Kern County all deeds delivered in pursuance hereof, and that he be further authorized to deliver to said persons upon receiving their deeds certificates of shares of stock to be paid [253] to them for their several interests in said lands."

(In ink:) "W. B. W. The name W. F. Hall was by mistake erroneously written on one of the location notices of said mining claims "W. E. Hall."

NOW, THEREFORE, in pursuance of said agreement and said resolution and for the consideration

therein named, we, the undersigned parties of the first part do hereby grant, bargain, sell and convey to the party of the second part all our right, title and interest in and to the following described lands, to wit:

Sections eight, eighteen, twenty, twenty-eight, Thirty-two and the west half and southeast quarter of section thirty, all in township twenty-six south range twenty-one east Mount Diablo Base and Meridian and all the improvements thereon.

WITNESS the hands of the parties of the first part the day and year first above written.

| | |
|----------------|---------------|
| W. B. Wallace. | Adolph Levis. |
|----------------|---------------|

| | |
|---------------|---------------|
| E. D. Barton. | R. C. Hardin. |
|---------------|---------------|

| | |
|-----------------|--------------|
| John F. Jordan. | T. E. Clark. |
|-----------------|--------------|

| | |
|-------------------|------------|
| A. H. Murray, Jr. | A. R. Orr. |
|-------------------|------------|

| | |
|----------------|-------------|
| Hugh McPhaill. | Seth Smith. |
|----------------|-------------|

| | |
|----------------|-------------|
| D. G. Overall. | B. J. Ball. |
|----------------|-------------|

[254]

State of California,
County of Tulare,—ss.

On this thirtieth day of March, 1909, before me John G. Knox, a Notary Public in and for Tulare County, State of California, residing therein, duly commissioned and sworn, personally appeared Adolp Levis, R. C. Hardin, A. H. Murray, Jr., A. R. Orr, W. B. Wallace, Seth Smith, T. E. Clark, D. G. Overall, J. F. Jordan, B. J. Ball and Hugh McPaill, known to me to be the persons whose names are subscribed to the annexed instrument, and they each, duly acknowledged to me that *he* executed the same.

In Witness Whereof, I have hereto set my hand and affixed my official seal the day and year in this certificate first above written.

[Notarial Seal] JOHN G. KNOX,
Notary Public in and for Tulare County, State of
California.

State of California,
County of Tulare,—ss.

On this 25th day of March in the year 1909 before me Frank B. Britten, a Notary Public, personally appeared E. D. Barton, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

[Notarial Seal] FRANK B. BRITTEN,
Notary Public. [255]

W. F. Hall. Sarah McCord.

E. L. Martin. C. W. Barrett.

J. J. Cortner. H. J. Light.

L. E. Hall. H. J. Hoyt.

F. T. Hall. F. R. Hight.

S. W. Hall. O. D. Barton.

William Lindemann. J. W. McCord.

H. L. Parker. J. H. Butts.

J. Gillespie. John Anderson.

J. W. Thompson. J. N. Hoyt.

L. M. Frederick. C. A. Butts.

B. L. Barney. H. Widmar.

April 13, 1909.

I hereby subscribe my name as witness to the signature of O. D. Barton. This instrument was signed by him in my presence.

WILLIAM LINDEMANN. [256]

State of California,
County of Fresno,—ss.

On this 10th day of April in the year one thousand nine hundred and nine before me, A. W. Johnson, a notary Public in and for said county and state, residing therein, duly commissioned and sworn, personally appeared L. M. Fredrick known to me to be the person described in, whose name is subscribed to and who executed the within instrument, and he acknowledged that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at my office in said county, the day and year in this Certificate first above written.

[Notarial Seal] A. W. JOHNSON,
Notary Public in and for said County and State.

State of California,
County of Santa Clara,—ss.

On this 8th day of April, in the year one thousand nine hundred and nine before me, H. F. Dusing a Notary Public in and for the County of Santa Clara, personally appeared E. L. Martin known to me to be the person whose name —— subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and Official Seal the day and year in this certificate first above written.

[Notarial Seal] H. F. DUSING,
Notary Public in and for the County of Santa Clara,
State of California.

State of California,
County of Fresno,—ss.

On this 9th day of April in the year one thousand nine hundred and nine before me H. C. Kerr, a Notary Public in and for the County of Fresno, personally appeared H. Widmer, known to me to be the same person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of Fresno, the day and year in this certificate first above written.

[Notary Seal] H. C. KERR,
Notary Public in and for the County of Fresno, State
of California. [257]

State of California,
County of Kings,—ss.

On this fifth day of April, 1909, before me Leon J. Israel, a Notary Public in and for Kings County, State of California residing therein, duly commissioned and sworn, personally appeared W. F. Hall, J. J. Cortner, L. E. Hall, F. T. Hall, S. W. Hall, William Lindemann, H. L. Parker, J. Gillespie, J. W. Thompson, B. L. Barney, C. M. Barrett, H. J. Light, H. J. Hoyt, F. R. Hight, J. W. McCord, J. H. Butts, John Anderson, J. N. Hoyt, C. A. Butts, Sarah McCord, known to me to be the persons whose names are subscribed to the annexed instrument, and they each, duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the day and year in this certificate first above written.

[Notarial Seal] LEON J. ISRAEL,
Notary Public in and for Kings County, State of
California.

[Endorsed]:

“34738.

“DEED.

“W. B. WALLACE, et al.

To

“LOST HILLS MINING COMPANY.

“March 18, 1909.

“Recorded at Request of

“Wm. Lindemann May 1, 1909.

“At 40 min. past 8 A. M.

in Book 209 of Deeds.

“Page 394, Kern County Records.

“Chas. A. Lee, Recorder.

“By _____,

“Deputy Recorder.

“37/7 10”

[258]

EXHIBIT “Q.”

AGREEMENT.

THIS AGREEMENT, Made and entered into this 19th day of December, 1908, by and between the undersigned owners of certain mining locations in Kern County, California, parties of the first part and Charles W. Barrett of San Jose, State of California, party of the second part,

WITNESSETH:

That, whereas, the parties of the first part are the owners of mining locations being certain mining claims located under the laws of the United States, and comprising all of Sections 8, 18, 20, 28, 32, and the West Half and Southeast quarter of Section 30, all in Township 26 S. Range 21 E., M. D. B. & M., and consisting of twenty-three claims of one hundred and sixty acres each.

The parties of the first part grant the party of the second part the right to enter upon any and all of said claims and prospects and explore the same for oil and mineral deposits of any kind, and to drill wells thereon for the purpose of developing oil and water.

The party of the second part agrees that upon the North or the South half of one of said sections of land to be selected by him, he will by July 1st, 1909, have a complete standard or rotary drilling rig and outfit with all necessary tools and appliances to commence drilling thereon and have the derrick erected and commence the actual work of drilling an oil well; and will thereafter, prosecute the work of drilling with reasonable diligence to a depth of two thousand feet, unless an oil well is developed at a lesser depth, which will yield at least fifty barrels of oil per day. [259]

On or before February 1st, 1909, the party of the second part shall select and designate the particular half section either the North or South half of the other full sections of said land which he proposes to drill upon and acquire title thereto under the terms of this agreement; and shall also select and

designate either the North half or the South half of the West half of said Section 30, and either the North half or the South half of the Southeast quarter of said Section 30, which he proposes to acquire title to under this agreement.

The party of the second party may at any time after making selections as aforesaid, commence drilling wells upon any or all of the tracts of land so selected.

No well shall be deemed completed until drilled to a depth of two thousand feet or until an oil well is developed at a lesser depth, which will yield fifty barrels of oil per day. It is agreed that within four months after the completion of the first well herein provided for, the party of the second part must, to avoid a forfeiture of his rights, to do so, commence the actual work of drilling another well for oil, upon another of said sections of land, and prosecute the work of drilling thereon with reasonable diligence, and upon the completion of any oil well herein provided for, the party of the second part must, in order to avoid a forfeiture of the right to do so, within four months from the time of completion of the last preceding well, commence the actual work of drilling a well for the development of oil upon some other tract of land selected by him as above provided, and prosecute the work with reasonable diligence.

The parties of the first part shall have the right personally or through their agent, to be present and inspect the operations whenever any work is being done under the terms of this [260] agreement, and

upon the completion of any well it shall be measured to determine its depth and the oil producing capacity, in the presence of the designated agent or agents of the parties of the first part.

The party of the second part agrees to keep an accurate log of each and every well drilled hereunder, showing the character of the strata, the depth and thickness thereof and the oil and oil sands and thickness thereof and the quantity of water and the depth thereof encountered or passed through in the work of drilling; which log shall at all times be subject to the inspection of the agent or agents of the parties of the first part, who may make copies thereof, and which copies the managing driller shall, upon request, certify to be correct.

As long as the right of party of the second part to drill wells for oil upon any of said tracts of land by virtue of this contract continues, the party of the second part agrees to perform the annual assessment work as required by law, by the United States Statutes, upon each and all of said twenty-three mining claims; said assessment work to consist of labor done or improvements made upon each of said claims, of the value of One Hundred Dollars annually.

Such assessment work shall be performed by January 1st, 1909, and proof of labor recorded by January 30th, 1909, and for each and every year thereafter, on or before November 1st; and upon failure to perform such work on any of said sections of land and record the proof thereof at the times as herein required during any year, the right and interest *here* of the party of the second part in such section of

land shall cease and be terminated without a written extension of time by the parties of the first part be granted. Provided, that after the present year, the party of the second part shall not be required to do the [261] annual assessment work upon the unselected part of any section of said land, upon which section they shall have completed a well drilled for developing oil.

All work performed and improvements made by the party of the second party upon any tract or tracts of said land selected by him as aforesaid, prior to the conveyance of said tract or tracts of land to the party of the second part, shall be deemed to have been done and made by said party of the second part as agent of the parties of the first part.

The parties of the first part promise and agree to convey to said party of the second part free of encumbrances, the half of each of said full section of land selected by them as aforesaid, upon which said party of the second part shall drill a well for developing oil to the depth of two thousand feet, or upon which he shall drill a well at a lesser depth that will yield fifty barrels of oil per day, and the half of the lands located and claimed by the parties of the first part in said Section 30, which the party of the second part shall have selected as aforesaid, free from incumbrance, upon the drilling of said party of the second part of a well upon said section 30, to a depth of two thousand feet, or upon the drilling of a well thereon to a lesser depth, that will yield fifty barrels of oil per day.

The parties of the first part further promise and

agree that of said full sections of said lands upon which the party of the second part shall first drill a well, they will in addition to conveying to the party of the second part, the half of said section of land, also convey to said party of the second part a quarter section thereof out of the remaining half section of said section, free from incumbrance. Provided, that the parties of the first part shall have the right to select and reserve one quarter [262] section in said unselected half section of land, and shall convey the remaining quarter section to said second party under the foregoing conditions said selection by said first parties shall be made within 30 days after the completion of such well.

Rights of way for pipe lines for water and oil, for telephone and telegraph lines, and for wagon roads and railroad onto and across any of said sections of land, are hereby reserved by the parties of the first part, and shall be reserved in any conveyances which may be made in pursuance of this agreement; and upon the conveyance of any portion of said sections of land to said party of the second part, similar rights for pipe lines for water and oil, for telegraph and telephone lines, and for wagon roads and railroads onto and cross any portion of said tracts of land reserved by the parties of the first part, or forfeited by said party of the second part shall also be conveyed to the party of the second part. In the event that any well is drilled by the said party of the second part upon any tract of said lands, and not completed, and the right of said party of the second part to acquire a title to the tract of land upon which the well shall have been drilled, shall be forfeited by

said party of the second part; the parties of the first part shall be given the option to purchase the casing which may be in such uncompleted well, at a reasonable price, and have such casing left in such uncompleted well.

Time is of the essence of this contract.

This agreement is made and executed in duplicate.

Witness our hands this day and year aforesaid.

| | | |
|-------------------|------------------|-------|
| A. H. Murray, Jr. | J. Gillespie. | |
| John F. Jordan. | H. L. Parker. | |
| T. E. Clark. | J. M. Anderson. | [263] |
| R. C. Hardin. | W. F. Hall. | |
| A. Levis. | H. J. Hoyt. | |
| B. J. Ball. | F. R. Hight. | |
| Wm. Lindermann. | J. W. Thompson. | |
| E. L. Martin. | H. Widmer. | |
| Hugh McPhaill. | Jas. W. McCord. | |
| D. G. Overall. | J. J. Cortner. | |
| E. D. Barton. | F. T. Hall. | |
| Seth Smith. | C. A. Butts. | |
| O. D. Barton. | L. M. Frederick. | |
| Sarah McCord. | C. W. Barrett. | |
| S. W. Hall. | A. R. Orr. | |
| H. J. Light. | W. B. Wallace. | |
| L. E. Hall. | J. N. Hoyt. | |
| J. H. Butts. | B. L. Barney. | |

Parties of the First Part.

| | |
|----------------|---------------|
| W. B. Wallace. | J. N. Hoyt. |
| A. R. Orr. | B. L. Barney. |
| J. H. Butts. | |

Their Attorneys in Fact.

C. W. Barrett,
Party of the Second Part.

State of California,
County of Kings,—ss.

On this 6th day of January, in the year of our Lord 1909, before me, Geo. L. Bliss, a Notary Public in and for said County and State, residing therein duly commissioned and sworn, personally appeared J. N. Hoyt, J. H. Butts, B. L. Barney, known [264] to me to be the persons described in and whose names are subscribed to the within instrument as the attorneys in fact of A. H. Murray, Jr., John F. Jordan, T. E. Clark, R. C. Hardin, A. Levis, B. J. Ball, Wm. Lindermann, E. L. Martin, Hugh McPhaill, D. G. Overall, E. D. Barton, Seth Smith, O. D. Barton, Sara McCord, J. Gillespi, H. L. Parker, J. M. Anderson, W. F. Hall, H. J. Hoyt, F. R. Hight, J. W. Thompson, H. Widmar, Jas. W. McCord, J. J. Cortner, F. T. Hall, C. A. Butts, L. M. Frederick, C. W. Barrett, S. W. Hall, H. J. Light, L. E. Hall, and the said J. M. Hoyt, J. H. Butts and B. L. Barney acknowledged to me that they subscribed (or caused to be subscribed) the names as mentioned above thereto as principals and they each subscribed their names as attorney in fact.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, at my office in said County of Kings, the day and year in this certificate first above written.

[Seal]

GEO. L. BLISS,

Notary Public in and for the County of Kings, State
of California.

State of California,
County of Kings,—ss.

On this 6th day of January, in the year one thousand nine hundred and nine, 1909, before me, Geo. L. Bliss, a Notary Public in and for said County of Kings, State of California, residing therein, duly commissioned and sworn, personally appeared J. N. Hoyt, J. H. Butts and B. L. Barney, known to me to be the persons described herein, whose names are subscribed to and who executed the within instrument and they acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and [265] affixed my official seal in the County of Kings, the day and year in this certificate first above written.

[Seal] GEO. L. BLISS,
Notary Public in and for the said County of Kings,
State of California.

State of California,
County of Tulare,—ss.

On this 22d day of December, 1908, before me, John G. Knox, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared W. B. Wallace and A. R. Orr, known to me to be the persons described in and whose names are subscribed to the annexed instrument as the attorneys in fact of A. H. Murray, Jr., John F. Jordan, T. E. Clark, R. C. Hardin, A. Levis, B. J. Ball, Wm Lindermann, E. L. Martin, Hugh McPhaill, D. G. Overall, E. D. Bar-

ton, Seth Smith, O. D. Barton, Sarah McCord, S. W. Hall, H. J. Light, L. E. Hall, J. Gillespie, H. L. Parker, J. M. Anderson, W. F. Hall, H. J. Hoyt, F. R. Hight, J. W. Thompson, H. Widmer, Jas. W. McCord, J. J. Cortner, F. T. Hall, C. A. Butts, C. W. Barrett, L. M. Frederick, A. R. Orr, W. B. Wallace.

And the said W. B. Wallace and A. R. Orr, acknowledged to me that they subscribed (or caused to be subscribed) the names as mentioned above, thereto as principals and they each subscribed their names as attorney in fact.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office, in said County of Tulare, the day and year in this certificate first above written.

[Seal]

JOHN G. KNOX,

Notary Public in and for the County of Tulare, State of California. [266]

State of California,
County of Tulare,—ss.

On this 22d day of December, 1908, before me John G. Knox, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared W. B. Wallace and A. R. Orr, known to me to be the persons described in and whose names are subscribed to the annexed instrument and they duly acknowledged to me that they executed the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal at my office, in said

County of Tulare, the day and year in this certificate first above written.

[Seal] JOHN G. KNOX,
Notary Public in and for the County of Tulare, State
of California.

Recorded at request of C. W. Barrett, Mar. 16,
1909, at 40 Min. past 8 A. M. in Book 18 of Agree-
ments, page 134, Kern County records.

CHAS. A. LEE,
Recorder.

State of California,
County of Kern.

I, Chas. A. Lee, County Recorder of said County,
do hereby certify that the annexed is a whole, true
and correct copy of an original, as will appear by
reference to Book 18 of Agreements, page 134, now
in my office, and that said copy has been compared
with the original, and is a correct transcript there-
from.

WITNESS my hand and official seal this 23d day
of March, A. D. 1915.

CHAS. A. LEE,
Recorder in and for the County of Kern, California.
By Fred W. Lee,
Deputy.

[Endorsed]: "Barrett Contract. LOST HILLS
LOCATORS."

[Revenue Stamp.] [267]

EXHIBIT "R."

THIS AGREEMENT, made this 27th day of Octo-
ber, 1909, by and between the LOST HILLS MIN-

ING COMPANY, a corporation, the first party and J. D. MARTIN and E. R. DUDLEY, the second parties.

WITNESSETH: That whereas, the said first party is the owner by virtue of Mineral Placer Locations of the following described lands in Kern County, to wit:

The Southwest quarter of Section eighteen (18), the West half and Southeast quarter of Section thirty (30), in Township Twenty-six (26) South, Range Twenty-one (21) East, M. D. B. & M;

AND WHEREAS, said second parties are desirous of drilling a well or wells for oil upon said lands for an interest therein;

IT IS HEREBY AGREED by and between said parties as follows: said second parties are granted the right for the purpose of this agreement to enter upon said lands and occupy all buildings thereon, and to examine, explore and drill wells for water or oil, and develop any and all mineral deposits thereon.

The said second parties agree that within sixty days from the date hereof, unless necessarily delayed by rainy weather, they will have a complete drilling rig upon said land and commence drilling an oil well thereon, and will with diligence prosecute the work of drilling such well to completion as hereinafter defined.

If they shall drill such well on said lands in said section thirty, the well shall be deemed completed when one thousand feet deep and finished with at least eight-inch casing at the bottom; provided that it shall also be deemed completed at any lesser depth,

or at any depth, at which oil is discovered and developed in sufficient quantity to yield at least twenty barrels per day.

If they shall drill such well on said lands in said Section eighteen, the well shall be deemed completed when fifteen [268] hundred feet deep and finished with at least six-inch casing at the bottom; provided that it shall also be deemed completed at any lesser depth, or at any depth, at which oil is discovered and developed in sufficient quantity to yield at least twenty barrels of oil per day.

The first party agrees that upon the execution of this agreement, it will execute and place in escrow in the National Bank of Visalia, with a duplicate hereof, a deed properly acknowledged granting and conveying to said second parties, free from liens or encumbrances, the following described lands:

The East half of the West half and the South half of the Southeast quarter of said Section thirty; also the West half of the Southwest quarter of said Section eighteen, such deed to be held in escrow by said bank and delivered by it to the second parties upon the completion of one well as above provided on any of said lands.

The second parties, provided they continue the work diligently, may drill as many wells as they choose upon said lands and the first completed well shall entitle them to receive the deed so placed in escrow.

In case of the abandonment of this contract by the second parties, the casings within the well drilled by them shall not be drawn by them nor any permanent

improvements thereon removed.

The second parties agree to keep an accurate log of all wells drilled, showing the various formations and rock strata, and thickness thereof, so far as penetrated by the drill; the exact depth at which water, gas, oil or asphaltum, if any is found, which log shall be subject to the inspection of the agent or agents of the first party at all times, who may make copies thereof; such [269] agent or agents shall have the privilege of being present when any drilling or work in furtherance of this contract is being done on said lands, and said second parties shall promptly notify the agent or agents of the first party when in the course of drilling they shall strike water, gas, oil or asphaltum.

When a well shall be deemed completed by the second parties, notice thereof in writing shall be immediately given to the first party, and thereupon measurements to determine whether or not such well has been completed shall be made in the presence of the agent or agents of the first party.

The second parties agree to do all assessment work required by the U. S. Laws for the present year on each of the three quarter sections in said Section thirty, and the Southwest quarter of said Section eighteen, being all the lands first herein described and they shall annually do the assessment work on all of said lands until they shall have completed one well thereon.

All work done and improvements made upon any quarter section of aforesaid land by the second parties prior to the time they shall have completed one

well thereon, shall be done and made by the second parties as agents of the first party.

Upon the completion of a well by the second parties upon any quarter section of the lands first above described, and the discovery and development of sufficient oil thereon to warrant application for a patent thereto, the first party will at the request of the second parties apply to the U. S. Government for a patent to such quarter section of land, each party to pay to the Government one-half of the purchase price for said land.

After the second parties shall commence the work of drilling on said lands, cessation of work for three months prior to the completion of a well shall be deemed an abandonment of this [270] contract and all rights and interests in said lands acquired by the second parties shall be forfeited.

This is the essence of this agreement.

IN WITNESS WHEREOF, the first party has by resolution of its board of directors caused this agreement to be executed in its corporate name by its President and Secretary, and under its corporate seal; and said second parties have subscribed their names hereto, all on the day and year first above written.

Executed in duplicate.

LOST HILLS MINING COMPANY,

By J. H. BUTTS,

President,

WM. ENDERMANN,

Secretary,

First Party.

J. D MARTIN and

E. R. DUDLEY,

Second Parties. [271]

For value received, the undersigned, J. D. Martin and E. R. Dudley, the parties of the second part to the within and foregoing agreement, do hereby grant, sell, transfer, assign and convey all of their and each of their rights and interests in, to and under the within and foregoing agreement, unto the Lakeshore Oil Company, a corporation.

Witness our hands this 30th day of October, 1909.

J. D. MARTIN.

E. R. DUDLEY.

For Value Received, the undersigned, Lakeshore Oil Company, a corporation, hereby agrees to keep and perform all the covenants and agreements to be kept and performed on the part of the parties of the second part to the within and foregoing agreement.

Dated Visalia, Cal., Oct. 30th, 1909.

LAKESHORE OIL CO.

By C. J. GEDDINGS,

President.

By J. SUB JOHNSON,

Secretary. [272]

EXHIBIT "S."

THIS AGREEMENT, made this 27th day of October, 1909, by and between the LOST HILLS MINING COMPANY, a corporation, the first party, and J. D. MARTIN AND E. R. DUDLEY, the second parties;

WITNESSETH: That Whereas said first party is the owner by virtue of Mineral Placer Locations of the following described lands in Kern County, California, to wit:

The North half and the Southeast quarter of Section Eighteen (18), and Section Thirty-two (32), in Township Twenty-six (26) South, Range Twenty-one East, M. D. B. & M.;

And whereas, said second parties are desirous of drilling wells for oil upon said lands for interests therein;

It is hereby agreed by and between said parties as follows:

Said second parties are granted the right for the purpose of this agreement to enter upon said lands and occupy all buildings thereon, and to examine, explore and drill wells for water or oil and develop any and all valuable mineral deposits thereon.

The second parties agree that within six months from *the hereof* unless necessarily delayed by rainy weather, they will have a complete drilling rig upon said land and commence drilling an oil well thereon, and will prosecute the work of drilling a well to completion as hereinafter defined, and upon the completion of one well, they will promptly remove their drilling rig to another quarter section of said land

and with diligence commence the drilling of another well, and carry the work forward in the same manner until they shall have completed a well on every quarter section of said lands; provided, that if after completing the first, or any subsequent well, they shall elect not to drill other wells under the terms of this agreement, they shall so [273] notify the first party in writing, and thereupon, and upon the surrender of possession of the quarter sections of land upon which they elect not to proceed, they shall be released from all obligations to drill any further wells under this agreement and shall forfeit all their interests hereunder in the lands upon which they shall elect not to drill.

The first well drilled upon said section eighteen shall be deemed completed when fifteen hundred feet deep and finished with at least six-inch casing at the bottom; provided, that it shall also be deemed completed at any lesser depth, or any depth, at which oil is discovered and developed in sufficient quantity to yield at least twenty barrels per day. All other wells drilled on said section eighteen shall be deemed completed when so drilled and finished to a depth of fifteen hundred feet, unless at a lesser depth sufficient oil is discovered and developed to warrant the issuance of a U. S. patent for the quarter section drilled upon.

Wells drilled hereunder on said section thirty-two shall be deemed completed when drilled and finished in all respects as provided for the completion of wells on section eighteen, with the exception that the maximum depth required on said section shall be one thou-

sand feet instead of fifteen hundred feet.

The first well drilled on said section thirty-two shall be deemed completed at a lessor depth than one thousand feet or any depth, whenever oil therein shall be discovered and developed in sufficient quantity to yield twenty barrels of oil per day.

It is agreed that upon the drilling and completion of wells as herein provided upon the several quarter sections of said lands, the second parties shall become entitled to parts thereof as soon as wells are completed thereon, as follows: [274]

In said section eighteen, the North half and the Southwest quarter of the Northwest quarter; the North half and Southeast quarter of the Northeast quarter; the East half of the Southeast quarter;

In said Section thirty-two, the east half of the Northwest quarter, the east half of the Southwest quarter; the West half of the Northeast quarter; the West half of the Southeast quarter;

The first party agrees that when the second parties shall commence drilling a well upon any of the said tracts of land, it will make, execute and place in escrow in the National Bank of Visalia, a deed granting and conveying all the right, title and interest in the part of that tract of land to which the second party may become entitled hereunder, and free and clear of all liens and incumbrances, conditioned that it be delivered to the second parties upon the completion of a well upon said tract of land. The second parties agree that they will prosecute the work of drilling wells upon said lands with diligence, and that if after the completion of any well drilled thereon, they shall

for a period of four months fail to commence drilling another well on another tract of said land, they will hereby forfeit their right and interest in any and all other quarter sections not drilled upon by them.

In case of abandonment of this contract as to any well commenced, the casing within said well must not be drawn by the second parties nor any permanent improvements removed.

The second parties agree to keep an accurate log of all wells drilled, showing the various formations and rock stratas and thickness thereof so far as penetrated or drilled into; the exact depth at which water, gas, oil or asphaltum, if any, is found; which log shall be subject to the inspection of the agent or agents of the first party at all times, who may make copies thereof; such [275] agent or agents shall have the privilege of being present when drilling or work in furtherance of this contract is being done on said lands, and said second parties shall promptly notify the first party when in the course of drilling they shall strike water, gas, oil or asphaltum.

When a well shall be deemed completed by the second parties, notice thereof in writing shall be immediately given to the first party, and thereupon measurements to determine whether or not the well has been completed shall be made in the presence of the agent or agents of the first party.

The first party agrees to do the necessary assessment work on the said seven quarter sections of said land, required for the present year;

Whereas, the first party is also the owner by virtue of mining locations, of sections Eight, Twenty and

Twenty-eight, in said township and range, which lands said second parties are desirous of developing oil upon for a part interest therein, the second parties are granted the right to enter upon and explore and drill oil wells upon said lands, and upon their drilling an oil well upon any quarter section thereof to the depth of one thousand feet or until oil in sufficient quantity to warrant the issuance of a patent thereto is developed, they shall be entitled to a deed conveying to them one-half of the quantity of land therein saved to the first part thereby and to which patent may be obtained.

When the second parties shall commence drilling an oil well upon any of said sections, they shall do all assessment work required by law to be done for the year upon which they shall commence work, and annually thereafter until they shall have abandoned their contract as to any quarter section thereof or have earned title to a part thereof under this agreement. [276]

All work done and improvements made upon any quarter section of aforesaid land by the second party prior to the time they shall have completed a well thereon shall be done and made by the second parties as agents of the first party.

Upon the completion of a well by the second parties upon any quarter section of said land and the discovery and development thereon of sufficient oil to justify application for a patent therefor, the first party will on demand of the second party apply to the U. S. Government for a patent to such quarter section of land. The parties hereto to each pay part of the

purchase price of said land in proportion to the quantity each shall be entitled to out of said quarter section of land.

IN WITNESS WHEREOF, the first party has by resolution of its Board of Directors caused this agreement to be executed in its corporate name by its President and Secretary, and under its corporate seal. And said second parties have subscribed their names to this agreement.

Executed in Duplicate.

LOST HILLS MINING COMPANY.

By J. H. BUTTE,

President,

WM. ENDERMANN,

Secretary,

First Party.

J. D. MARTIN,

E. R. DUDLEY,

Second Parties. [277]

EXHIBIT "T."

THIS AGREEMENT, made and entered into this 8th day of November, 1909, by and between the LOST HILLS MINING COMPANY, a corporation, the party of the first part, and J. D. MARTIN and E. R. DUDLEY, the parties of the second part, WITNESSETH:

WHEREAS, a written agreement, dated October 27th, 1909, was entered into between said Lost Hills Mining Company as first party, and J. D. Martin and E. R. Dudley, as second parties, wherein and whereby said Lost Hills Mining Company agreed to convey

unto said J. D. Martin and E. R. Dudley, or their assigns, the East half of the West half and the South half of the Southeast quarter of Section Thirty (30), and the West half of the Southwest quarter of Section Eighteen (18), in Township Twenty-six (26) South, Range Twenty-one (21) East, of the Mount Diablo Base and Meridian, containing three hundred and twenty acres upon the terms, conditions and agreements in said agreement stated:

Now, therefore, for value received and in consideration of the premises, it is mutually agreed between the parties hereto that said agreement dated October 27th, 1909, shall be modified in the following particulars, to wit:

First. The paragraph of said agreement, dated October 27th, 1909, which reads as follows:

“When a well shall be deemed completed by the second parties, notice thereof in writing shall be immediately given to the first party, and thereupon measurements to determine whether or not such well has been completed shall be made in the presence of the agent or agents of the first party”— be and the same is modified to be and read as follows, to wit: “When a well shall be deemed completed by the second parties or assigns, notice thereof in writing shall be delivered to the President or Secretary of the first party or other agent [278] appointed by the first party, and measurements to determine whether or not such well has been completed shall be made in the presence of the agent or agents of the first party, unless such agent or agents shall for ten days after such notice is delivered, fail to be

present at such well or decline to attend to witness the measurements to be made, in which case the second parties, or assigns, may proceed and make such measurements and note the result in the log book of such well, and the same in such event shall be conclusive on the parties hereto and their assigns as to the accuracy of such measurements."

Second. The paragraph of said agreement, dated October 27th, 1909, which reads as follows: "The second parties agree to do all assessment work required by the U. S. Laws for the present year, on each of the three quarter sections in said Section Thirty, and the Southwest quarter of said Section Eighteen, being all the lands first herein described, and they shall annually do the assessment work on all of said lands until they shall have completed one well thereon,"—be and the same is modified to be and read as follows: "The second parties agree to do all assessment work required by the U. S. Laws for the present year, on each of the three quarter sections in said Section Thirty, and the Southwest quarter of said Section Eighteen, being all the lands first herein described, and they shall annually do the assessment work on all of said lands during the existence of this agreement until they shall have completed one well on each of said tracts of land."

IN WITNESS WHEREOF, said first party hereto by resolution of its Board of Directors, has caused these presents to be signed by its President and Secretary, and the seal of said corporation to be hereunto affixed, and said second parties hereto have hereunto [279] set their hands, in duplicate, the

day and year first above written.

LOST HILLS MINING COMPANY.

By J. H. BUTTS,

Its President.

WM. ENDERMANN,

Its Secretary.

J. D. MARTIN,

E. R. DUDLEY,

State of California,

County of Tulare,—ss.

On this 8th day of November, in the year nineteen hundred and nine, before me, E. C. Farnsworth, a Notary Public in and for said County of Tulare, State of California, personally appear J. D. Martin and E. R. Dudley, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

Witness my hand and official seal the day and year in this Certificate first above written.

E. C. FARNSWORTH,

Notary Public in and for said County of Tulare,
California.

For value received, the undersigned, J. D. Martin and E. R. Dudley, the parties of the second part, to the within and foregoing agreement, do hereby grant, sell, transfer, assign and convey, all of their and each of their rights and interests in, to and under the within and foregoing agreement unto the Lakeshore Oil Company, a corporation.

Witness our hands this 8th day of December, 1909.

J. D. MARTIN.

E. R. DUDLEY.

For value received, the undersigned, Lakeshore Oil Company, a corporation, hereby agrees to keep and perform all the covenants and agreements to be kept and performed on the part of the parties of the second part to the within and foregoing agreement.

Dated, Visalia, Cal., December 8th, 1909.

LAKE SHORE OIL COMPANY,

By C. J. GEDDINGS,

President.

J. SUB JOHNSON,

Secretary. [280]

EXHIBIT "U."

THIS AGREEMENT, Made this 2nd day of November, 1910, by and between the LOST HILLS MINING COMPANY, a corporation, the first party, and J. D. MARTIN and E. R. DUDLEY, the second parties, WITNESSETH:

That Whereas about October 27, 1909, said first party and said second parties entered into a written agreement by which said second parties agreed to drill wells for oil and do other work upon certain lands held by the first party by virtue of mineral placer locations comprising Section Eighteen (18), the West half and Southeast quarter of Section Thirty (30) all of Section Thirty-two (32), and also Section Eight (8), Section Twenty (20), and Section Twenty-eight (28), all of Township Twenty-six (26) South, Range Twenty-one (21) East of the Mount Diablo Base and Meridian; and

Whereas the terms of said contract were by a subsequent written agreement between said parties on November 8, 1909, modified;

Now, Therefore, in consideration of the mutual agreements of said parties herein contained, said first agreement as modified by said second agreement is further modified as follows: Said second parties promise and agree that upon each and every of the following described tracts of land in said Sections Eighteen (18), Thirty (30) and Thirty-two (32), upon which they have not already placed and now maintain a drilling rig for the development of oil wells, they will proceed at once to place a complete drilling rig suitable for drilling an oil well and will promptly commence and diligently prosecute to completion, as provided in said first contract, the work of drilling for oil on each and every of said tracts of land, to wit:

The Southwest quarter of said Section Thirty (30), the Southeast quarter of said Section Thirty (30), the Southeast quarter of said Section Eighteen (18); the Southwest quarter of the Northeast quarter of said Section (18), the Northwest quarter of Section Eighteen (18); the Southwest quarter of said Section Eighteen (18); the Northwest quarter of said Section Thirty-two (32); the Northeast quarter of said Section Thirty-two (32); the Southwest quarter of said Section Thirty-two (32); and the Southeast quarter of said Section Thirty-two (32).

It is further agreed that upon the carrying out of the terms of this contract as to said Section Eighteen by the second parties, the first party will exchange the Southwest quarter of the Northeast quarter of said Section Eighteen for either the Southeast quarter of the Northeast quarter or the Northwest quarter of

the Northeast quarter of said Section Eighteen, provided, they shall save either or both thereof so as to enable the first party to get title thereto under the claims of the first party, and if they fail to so save the same, then they shall give in exchange for said Southwest quarter of the Northeast quarter of said Section Eighteen the Northeast quarter of the Northwest quarter of said Section Eighteen and shall relinquish all their claims thereto under the contracts heretofore made by the parties hereto.

The second parties further agree that they will continue the work of developing the several quarter sections of land on said Section Twenty-eight (28), and with diligence use all lawful and reasonable measures to protect the same, and agree that the [281] first party shall be entitled to reserve therefrom as its own the Southwest quarter of the Northwest quarter of said Section Twenty-eight (28); the Northwest quarter of the Southwest quarter of said Section Twenty-eight (28); and the South half of the Southeast quarter of said Section Twenty-eight (28), provided that said second parties shall not become entitled to any land in any quarter section of said Twenty-eight (28) until they shall have drilled an oil well thereon which will produce sufficient oil to warrant the application in the U. S. Land Office for a patent thereto; all the rest of said Section Twenty-eight (28), upon the fulfillment of this agreement shall become the property of the second parties.

In consideration of the foregoing agreement, said first party agrees that the second party shall become entitled to a quit-claim deed conveying to said second

parties all the first party's right, title and interest in said Section Eight (8) and said Section Twenty (20).

All work done and improvements made hereunder on any of said lands under the terms of this contract shall be done and made by them as agents of the first party hereto.

Nothing herein contained shall be construed as modifying or varying the terms of said first and second agreements except as herein set forth.

It is further agreed that said second parties may at their own cost and expense, but not otherwise, prosecute and defend such Court and Land Office proceedings, in the name of said first party for the purpose of protecting the title or possession of said Section Eight (8), and said Section Twenty (20), and also in said Section Twenty-eight (28), as they shall deem advisable.

It is further agreed that this agreement, or any provision thereof, shall not in any way affect any right of the Lakeshore Oil Company, a corporation.

IN WITNESS WHEREOF, the party of the first part has by resolution of its Board of Directors, duly adopted and recorded in its corporate records, this day signed this agreement under its corporate seal, and the parties of the second part have also this day signed this agreement.

466 *Lost Hills Mining Company et al.*

Executed in duplicate this 2d day of November,
1910.

LOST HILLS MINING COMPANY.

By J. H. BUTTS,

Its President,

WM. LINDEMANN,

Its Secretary,

Party of the First Part.

J. D. MARTIN.

E. R. DUDLEY.

Parties of the Second Part. [282]

EXHIBIT "V."

Dec. 3, 1915.

(Rubber Stamp)

03431 (pencil)

1002 (ink)

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

VISALIA, CALIFORNIA.

November 19, 1915.

RECEIVED

Dec. 1, 1915.

Second Field Division,

O. D. Barton, Visalia, Cal.

U. T. Clotfelter, Atty.,

409 Kirekhoff Bldg.,

Los Angeles, Cal. (circular rubber stamp)

Sir: By authority of General Land Office letter "fs" dated Nov. 12, 1913, you are hereby notified that a special agent of that office has filed the following charges against the validity of your Mineral entry No. 03431, made Nov. 18, 1911, for NW. $\frac{1}{4}$ Sec.

30, T. 26 S., R. 21 E., M. D. M., to wit:

1. No discovery of oil or gas has been made upon the said N. W. $\frac{1}{4}$ Sec. 30, T. 26 S., R. 21 E., M. D. M. at the date of withdrawal of September 27, 1909.
2. Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above described land at the date of said withdrawal of September 27, 1909.
3. No valid discovery of gypsum has been made upon the said NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.
4. The claim that said NW. $\frac{1}{4}$ Sec. 30, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the bona fide intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title that is chiefly valuable for deposits of petroleum.

You are notified that if you fail to file in this office, within thirty days of date of service of this notice, a written or printed answer, under oath, denying each of said charges or showing a state of facts rendering said charges immaterial, and applying for a hearing to determine the truth of said charges and answer, or if you fail to appear at a hearing applied for, your said above entry or claim will be forthwith reported to the commissioner of the General Land Office for rejection or cancellation.

Respectfully,
(Sgd.) FRANK LANING,
Register. [283]

In reply please refer to FS Visalia 03431 LEE.

1 ex. to R and R.

1 x C. F. D.)

1 x J. D. R.) in ink

RECEIVED

Nov. 17, 1915.

Second Field Division.

3837 (pencil)

(circular rubber stamp.)

DEPARTMENT OF THE INTERIOR.

GENERAL LAND OFFICE.

WASHINGTON.

November 12, 1915.

Address only the

Commissioner of the General

Land Office.

Directing adverse proceedings.

Register and Receiver,

03431 (pencil)

Visalia, California.

Sirs: November 18, 1911, the Lost Hills Mining Company made Mineral Application No. 03431, for Lost Hills Placer oil mining claim, embracing the NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.

Said land is included in departmental oil land withdrawal of September 27, 1909, and was embraced in Petroleum Reserve No. 2 by Executive order of July 2, 1910. On December 2, 1914, a special agent of this office submitted an adverse report relative to this application.

You are directed to proceed in accordance with Circular of January 19, 1911, and in the notice provided in paragraphs 3, 4 and 5 thereof you will state that

a mineral inspector of the General Land Office charges that

- (1) No discovery of oil or gas had been made upon the said NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., at the date of withdrawal of September 27, 1909.
- (2) Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above described land at the date of said withdrawal of September 27, 1909.

[284]

- (3) No valid discovery of gypsum has been made upon the said NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.
- (4) The claim that said NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the bona fide intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

Should these charges fail, the said application will nevertheless be held for cancellation, unless claimant shall file a supplemental abstract covering the period of November 16, 17 and 18, 1911 (See paragraph 42, mining regulations).

In due time report.

Very respectfully,
(Sgd.) CLAY TALLMAN,
Commissioner.

D. A. MILLRICK,

(Rubber stamp)

10-23 RSC [285]

EXHIBIT "W."

Dec. 3, 1915.

(Rubber stamp)

"W"

03448 (ink)

1001 (ink)

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

VISALIA, CALIFORNIA.

November 18, 1915, RECEIVED

Dec. 1, 1915.

Second Field Division.

(circular rubber stamp)

U. T. Clotfelter, Atty.,

409 Kirckhoff Bldg.,

Los Angeles, Cal.

Sir: By authority of General Land Office letter "FS" dated Nov. 12, 1915, you are hereby notified that a special agent of that office has filed the following charges against the validity of your Mineral entry, No. 03448, made Nov. 25, 1911, for NW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., to wit:

1. No. discovery of oil or gas has been made upon the said NW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., at the date of withdrawal of September 27, 1909.
2. Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above described land at the date of said withdrawal of September 27, 1909.
3. No valid discovery of gypsum has been made

upon the said N. W. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M.

4. The claim that said NW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the bona fide intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

You are notified that if you fail to file in this office, within thirty days of date of service of this notice, a written or printed answer, under oath, denying each of said charges, or showing a state of facts rendering said charges immaterial, and applying for a hearing to determine the truth of said charges and answer, or if you fail to appear at a hearing applied for, your said above entry or claim will be forthwith reported to the Commissioner of the General Land Office for rejection or cancellation.

Respectfully,

(Sgd.) FRANK LANING,

Register. [286]

In reply please refer to FS Visalia 03448 LEE.

1 ex. to C. F. D. RECEIVED

1 x J. D. R. Nov. 17, 1915,

Second Field Division.

(Circular rubber stamp)

3829 (pencil)

SEE (rubber stamp)

DEPARTMENT OF THE INTERIOR.
GENERAL LAND OFFICE.
WASHINGTON.

November 12, 1915.

Address only the
Commissioner of the General
Land Office.

Directing adverse proceedings.
Register and Receiver,
Visalia, California. 03448 (pencil)

Sirs: November 25, 1911, the Lost Hills Mining Company made Mineral Application No. 03448, for Petroleum Placer mining claim, embracing the NW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M.

Said land is included in departmental oil land withdrawal of September 27, 1909, and was embraced in Petroleum Reserve No. 2 by Executive order of July 2, 1910. On December 2, 1914, a special agent of this office submitted an adverse report relative to this application.

You are directed to proceed in accordance with Circular of January 19, 1911, and in the notice provided in paragraphs 3, 4 and 5 thereof you will state that a mineral inspector of the General Land Office charges that

- (1) No discovery of oil or gas had been made upon said NW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M., at the date of withdrawal of September 27, 1909.
- (2) Neither the applicant company nor its predecessors in interest were in diligent prosecu-

tion of work leading to a discovery of oil or gas on the above described land at the date of said withdrawal of September 27, 1909.

[287]

- (3) No valid discovery of gypsum has been made upon the said NW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M.
- (4) The claim that said NW $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the bona fide intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

In due time report.

Very respectfully,
(Sgd.) CLAY TALLMAN,
Commissioner.

D. A. MILLRICK.

(Rubber stamp) [288]

EXHIBIT "X."

Dec. 3, 1915.

"X"

RECEIVED

(rubber stamp)

Dec. 1, 1915.

Second Field Division.

(circular rubber stamp)

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

VISALIA, CALIFORNIA,

November 19, 1915.

03457

1003

(in ink)

U. T. Clotfelter, Atty.

409 Kirekhoff Bldg.,

Los Angeles, Cal.

Sir: By authority of General Land Office letter "FS" dated Nov. 12, 1915, you are hereby notified that a special agent of that office has filed the following charges against the validity of your Mineral entry, No. 03457, made Dec. 2, 1911, for NE. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., to wit:

- (1) No discovery of oil or gas has been made upon the said NE. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., at the date of withdrawal of September 27, 1909.
2. Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above described land at the date of said withdrawal of September 27, 1909.

3. No valid discovery of gypsum has been made upon said NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M.
4. The claim that said NE. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the *bona fide* intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

You are notified that if you fail to file in this office, within thirty days of date of service of this notice, a written or printed answer, under oath, denying each of said charges, or showing a state of facts rendering said charges immaterial, and applying for a hearing to determine the truth of said charges and answer, or if you fail to appear at a hearing applied for, your said above entry or claim will be forthwith reported to the Commissioner of the General Land Office for rejection or cancellation.

Respectfully.

(Sgd.) FRANK LANING,

Register. [289]

In reply please refer to FS Visalia 03457 Lee.

RECEIVED

Nov. 17, 1915.

Second Field Division.

(Circular Rubber Stamp)

1 ex. to C. F. D.

1 x. J. D. R.

3834 (pencil)

SEE (rubber stamp)

DEPARTMENT OF THE INTERIOR.
GENERAL LAND OFFICE.
WASHINGTON.

November 12, 1915,

Address only the
Commissioner of the General
Land Office.

03457 (pencil) Directing adverse proceedings.
Register and Receiver,
Visalia, California.

Sirs: December 2, 1911, the Lost Hills Mining Company made Mineral Application No. 03457 for the Eagle Placer mining claim, embracing the NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M.

Said land is included in departmental oil land withdrawal of September 27, 1909, and was embraced in Petroleum Reserve No. 2 by Executive order of July 2, 1910. On December 2, 1914, a special agent of this office submitted an adverse report relative to this application.

You are directed to proceed in accordance with Circular of January 19, 1911, and in the notice provided in paragraphs 3, 4 and 5 thereof you will state that a mineral inspector of the General Land Office charges that

- (1) No discovery of oil or gas had been made upon the said NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M., at the date of withdrawal of September 27, 1909.
- (2) Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or

gas on the above described land at the date of said withdrawal of September 27, 1909.

- (3) No valid discovery of gypsum has been made upon the said NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M. [290]
- (4) The claim that said NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the *bona fide* intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

In due time report.

Very respectfully,
(Sgd.) CLAY TALLMAN,
Commissioner.

D. A. MILLRICK.

(Rubber stamp)

10-23-RSC. [291]

EXHIBIT "Y."

Dec. 3, 1915.

(rubber stamp)

"Y"

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE.

Visalia, California,

November 30, 1915.

RECEIVED

Dec. 1, 1915.

Second Field Division.

(Circular Rubber stamp)

U. T. Clotfelter, Atty.

409 Kirckhoff Bldg.,

Los Angeles, Cal.

Sir: By authority of General Land Office letter "FS" dated November 23, 1915, you are hereby notified that a special agent of that office has filed the following charges against the validity of your Mineral entry, No. 03459, made Dec. 2, 1911, for SW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M.

1. No discovery of oil or gas has been made upon the said S. W. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M. at the date of withdrawal of October 7, 1910.
2. Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above-described land at the date of said withdrawal of October 7, 1910.

3. No valid discovery of gypsum has been made upon the said SW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M.
4. The claim that said SW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the *bona fide* intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

You are notified that if you fail to file in this office, within thirty days of date of service of this notice, a written or printed answer, under oath, denying each of said charges, or showing a state of facts rendering said charges immaterial, and applying for a hearing to determine the truth of said charges and answer, or if you fail to appear at a hearing applied for your said above entry or claim will be forthwith reported to the Commissioner of the General Land Office for rejection or cancellation.

Respectfully,
(Sgd.) FRANK LANING,
Register. [292]

Noted C. P. K.
(in pencil)

3830 (in pencil)

RECEIVED

Nov. 29, 1915.

Second Field Division.

(circular rubber stamp)

In reply please refer to FS Visalia 03459 LEE

1 ex. to C. F. D.

1 x. — Dept. Justice)

1 x — J. D. R.) in ink

SEE (ink)

DEPARTMENT OF THE INTERIOR.

General Land Office.

Washington.

November 23, 1915.

03459 (pencil)

Address only the
Commissioner of the General
Land Office.

Directing Adverse proceedings.
Register and Receiver,
Visalia, California.

Sirs: December 2, 1911, the Lost Hills Mining Company made Mineral Application No. 03459, for Judge Placer mining claim, embracing the SW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E. M. D. M.

Said land was included in Petroleum Reserve No. 13, created by Executive order of October 7, 1910. On December 2, 1914, a special agent of this office submitted an adverse report relative to this application.

You are directed to proceed in accordance with Circular of January 19, 1911, and in the notice provided in paragraphs 3, 4 and 5 thereof you will state that a mineral inspector of the General Land Office charges that

- (1) No discovery of oil or gas had been made upon the said SW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E.,

M. D. M., at the date of withdrawal of October 7, 1910. [293]

- (2) Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above-described land at the date of said withdrawal of October 7, 1910.
- (3) No valid discovery of gypsum has been made upon the said SW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M.
- (4) The claim that said SW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the *bona fide* intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

In due time report.

Very respectfully,

(Sgd.) CLAY TALLMAN,

Commissioner.

D. A. MILLRICK.

(Rubber stamp)

10-23 RSC. [294]

EXHIBIT "Z."

Dec. 3, 1915.

(rubber stamp)

DEPARTMENT OF THE INTERIOR.
UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

1000

(in ink)

November 19, 1915.

RECEIVED

Dec. 1, 1915.

Second Field Division.

(Circular rubber stamp)

O. B. Barton, Visalia, Calif.

U. T. Clotfelter, Atty.,

409 Kirckhoff Bldg.,

Los Angeles, Cal.

Sir: By authority of General Land Office letter "FS" dated Nov. 12, 1915, you are hereby notified that a special agent of that office has filed the following charges against the validity of your Mineral entry, No. 03432, made Nov. 18, 1911, for SE. $\frac{1}{4}$ Sec. 30, T. 26 S., R. 21 E., M. D. M., to wit:

1. No discovery of oil or gas has been made upon the said SE. $\frac{1}{4}$ Sec. 30, T. 26 S., R. 21 E., M. D. M., at the date of said withdrawal of September 27, 1909.
2. Neither the applicant Company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above-described land at the date of said withdrawal of September 27, 1909.

3. No valid discovery of gypsum has been made upon said land, SE. $\frac{1}{4}$ Sec. 30, T. 26 S., R. 21 E., M. D. M.
4. The claim that said SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., contains valuable deposits is not made in good faith with the *bona fide* intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

You are notified that if you fail to file in this office, within thirty days of date of service of this notice, a written or printed answer, under oath, denying each of said charges, or showing a state of facts rendering said charges immaterial, and applying for a hearing to determine the truth of said charges and answer, or if you fail to appear at a hearing applied for, your said above entry or claim will be forthwith reported to the Commissioner of the General Land Office for rejection or cancellation.

Respectfully,
(Sgd.) FRANK LANING,
Register. [295]

In reply please refer to FS. Visalia 03432 LEE.

RECEIVED.

Nov. 17, 1915.

Second Field Division.
(Circular Rubber stamp)

1 ex. to C. F. D.

1 x. J. D. R.

#3838

(in pencil)

DEPARTMENT OF THE INTERIOR.
GENERAL LAND OFFICE.
WASHINGTON.

03432

(in pencil)

November 12, 1915.

Address only the
Commissioner of the General
Land Office.

Directing Adverse Proceedings.
Register and Receiver,
Visalia, California.

Sirs: November 18, 1911, the Lost Hills Mining Company made Mineral Application No. 03432, for the Signal Placer mining claim embracing the SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.

Said land is included in departmental oil land withdrawal of September 27, 1909, and was embraced in Petroleum Reserve No. 2 by Executive order of July 2, 1910. On December 2, 1914, a special agent of this office submitted an adverse report relative to this application.

You are directed to proceed in accordance with Circular of January 19, 1911, and in the notice provided in paragraphs 3, 4 and 5 thereof you will state that a mineral inspector of the General Land Office charges that

- (1) No discovery of oil or gas had been made upon the said SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., at the date of withdrawal of September 27, 1909.

(2) Neither the applicant company nor its predecessors in interest were in diligent prosecution of work leading to a discovery of oil or gas on the above-described land at the date of said withdrawal of September 27, 1909.
[296]

(3) No valid discovery of gypsum has been made upon the said SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.

(4) The claim that said SE. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., contains valuable deposits of gypsum is not made in good faith with the *bona fide* intention of developing and extracting gypsum from the land, but as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum.

Should these charges fail, the said application will nevertheless be held for cancellation unless claimant shall file a supplemental abstract covering the period of November 16, 17 and 18, 1911 (See paragraph 42, Mining Regulations).

In due time report.

Very respectfully,

(Sgd.) CLAY TALLMAN,

Commissioner.

D. A. MILLRICK.

(Rubber stamp)

10-23 RSC. [297]

EXHIBIT "AA."

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

In the Matter of the Application of the LOST HILLS MINING COMPANY, a Corporation, for patent to the LOST HILLS PLACER MINING CLAIM, embracing the NW. $\frac{1}{4}$ of Section 30, T. 26 S., R. 21 E., M. D. M., Kern County, California.

State of California,

City and County of San Francisco,—ss.

Wellington Gregg, Jr., being first duly sworn deposes and says: that he is a citizen of the United States and a resident of the State of California, and over the age of twenty-one years; that he is the vice-president of the Lost Hills Mining Company, a corporation, the applicant for patent above described, and makes, verifies and files this answer to charges contained in a letter "F. S. Visalia 03431" of the Commissioner of the General Land Office to the Register and Receiver of Visalia, California, dated Washington, November 12, 1915, and to the notice embracing said charges issued by the Register and Receiver of the Visalia Land Office, dated November 19, 1915; that answering said charges said applicant:

1. Admits that no discovery of oil or gas was made upon the NW. $\frac{1}{4}$ of Section 30, Township 26 S., Range 21 E., M. D. M. at the date of the withdrawal of September 27, 1909, but denies that said applicant, or its predecessors in interest, was not in the diligent prosecution of work leading to the dis-

covery of oil or gas on the above described land at the date of said withdrawal of September 27, 1909; On the contrary, this affiant alleges that on and prior to September 27, 1909, said applicant, the Lost Hills Mining Company aforesaid, was in the diligent prosecution of work leading to the discovery of oil or gas and oil and gas on the above described [298] land and continued in the diligent prosecution of said work until oil and gas were discovered thereon, during the years 1910-1911.

2. Denies that no valid discovery of gypsum has been made upon said land: Denies that the claim of said applicant that the said land contained valuable deposits of gypsum is not made in good faith or with the *bona fide* intention of developing and extracting gypsum from the land. Denies that said gypsum claim of said applicant was made as a subterfuge for obtaining title to land that is chiefly valuable for deposits of petroleum: Denies that said mineral application was not made for the *bona fide* purpose of developing a gypsum placer claim.

As a further answer to the charges contained in paragraphs 3 and 4 of said notice and said charges, applicant demurs thereto, and contends that said charges contained in paragraphs 3 and 4 do not state facts sufficient to warrant adverse proceedings against said application, or to justify the cancellation of applicant's application.

WHEREFORE applicant asks that a hearing be ordered upon said charges and this answer thereto and that thereupon said charges be dismissed and

patent be issued to applicant as prayed for in its said application.

Said applicant hereby appoints Joseph D. Redding, Crocker Building, San Francisco, California, and D. E. Perkins, National Bank of Visalia Building, Visalia, California, as its attorneys and requests that all papers relating to said matters be served on its said attorneys.

WELLINGTON GREGG, Jr.

Subscribed and sworn to before me this 9 day of December, 1915.

W. H. HEALEY,
Notary Public in and for the City and County of
San Francisco, State of California. [299]

Mr. DUNNE.—We offer in evidence a copy of the application for patent to the lands involved in A-37, and ask to have it marked Exhibit "A" in A-37, United States v. Devil's Den.

(Exhibit "A" in A-37 is as follows:)

**Exhibit "A" in A-37—Copy of Proceedings Before
Visalia Land Office.**

This notice must be IMMEDIATELY forwarded to the General Land Office, duplicate to be filed with the case for transmittal with the record.

4-024b,

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
VISALIA, CALIFORNIA,
(Place)

August 8, 1911.

(Date)

NOTICE OF FILING MINERAL APPLICATION.

MINERAL APPLICATION SERIAL No. 03280.

The Commissioner of the

General Land Office:

Sir: On Aug. 2nd, 1911, Devil's Den Cons. Oil Company filed Mineral Application Serial No. 03280 for the Consolidated Placer Mining Claim, embracing

(List alphabetically all locations applied for)
NE. $\frac{1}{4}$ situate in Section 30, Township 26 South, Range 21 E., M. D. Meridian, Kern County.

Very respectfully,

GEO. W. STEWART,

Register.

Received

Aug. 14, 1911.

G. L. O.

NOTE: This notice must show serial No.; date of filing; survey No.; if lode or surveyed placer; alphabetical list of all locations; name or names of applicant or applicants; description if taken by legal subdivisions; section, township, range; mining dis-

trict and county; and notations of exclusions.

6-2056

S. & E. M. D. M.

Posted in V 29-106. Aug. 19, 1911. [300]

This notice must be IMMEDIATELY forwarded to the General Land Office, duplicate to be filed with the case for transmittal with the record.

4-024b.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
VISALIA, CALIFORNIA,

(Place)

August 8, 1911.

(Date)

NOTICE OF FILING MINERAL APPLICATION.

MINERAL APPLICATION SERIAL No. 03280.

The Commissioner of the

General Land Office:

Sir: On August 2d, 1911, I. T. Bell, attorney in fact for Devil's Den Cons. Oil Company filed Mineral Application Serial No. 03280 for the Consolidated

(List alphabetically all locations applied for)
Placer Mining Claim, being the NE. $\frac{1}{4}$ situate in Section 30, Township 26 S. Range 21 E., M. D. Meridian, Kern County.

Very respectfully,

GEO. W. STEWART,

Register.

Received

September 5, 1911.

G. L. O.

NOTE: This notice must show serial No.; date of filing; survey No.; if lode or surveyed placer; alphabetical list of all locations; name or names of applicant or applicants; description if taken by legal subdivisions; section, township, range; mining district and county and notations of exclusions.

6-2056

S. & E. M. D. M.

Posted in V 29-106. [301]

Aug. 2, 1911.

ABSTRACT OF TITLE,

to

03280

THE CONSOLIDATED PLACER MINING
COMPANY,

embracing the NE. $\frac{1}{4}$ of fractional Section 30 in Township 26 South, Range 21 East, M. D. B. & M. in the County of Kern, State of California; made for D. E. Perkins, Esq., Visalia, California.

Compiled by the Kern County Abstract Company, Bakersfield, California.

(Thereafter follows a complete abstract of the title as shown by the records of Kern County covering the aforesaid land.) [302]

4-252f.

(This letter of transmission must invariably be used in forwarding the "complete record" in a mineral application or entry, as directed by paragraph 73 of the Mining Circular. Too much care cannot

be exercised to see that the schedule is correctly and comprehensibly filled out. Each entry should be forwarded by separate letter.)

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE.

Visalia, California, November 30, 1911.

The Commissioner of the General Land Office,
Washington, D. C.

Sir: We have the honor to transmit herewith a
03280

complete record in Mineral (Application 03280 for
(Entry No. 679391
the CONSOLIDATED PLACER MINING claim,
as follows:

- 1 Application for Patent.
- Field Notes, including Surveyor-General's certificate of improvements.
- Plat, Survey No. ——— mailed under separate cover.
- 1 Copy of Location Certificate (attached to application for patent).
- 1 Abstract of Title.
- 1 Affidavits of Citizenship, or Articles of Incorporation (attached to application for patent).
- 1 Power of Attorney.
- Surveyor-General's Certificate of Improvements (not included in field notes).
- 1 Proof of Improvements—placer, legal subdivision
- Mineral Surveyor's Report on Placers (approved by United States Surveyor-General).

- 1 Proof that no known vein exists.
- Affidavit, nonmineral character of mill site.
- Affidavit, use or occupancy of mill site.
- 1 Proof of Posting Plat and Notice on the Claim.
- 1 Proof of Continuous Posting during period of publication. [303]
- 1 Certificate of Posting Plat and Notice in the United States Land Office.
- 1 Proof of Publication.
- 1 Agreement of Publisher.
- Adverse Claims—none.
(Give serial No. of each adverse claim; if none, so state.)
- Court Certificates.
- 1 Protests. Notice by C. F. D.
- 1 Application to purchase.
- 1 Sworn Statement of all Charges and Fees Paid.
- Receiver's Receipt.
- Register's Final Certificate.
- 1 Form 4-024b.
- 16 Inclosures,

GEO. W. STEWART,
Register.

Receiver. [304]

November 10, 1911.

Withdrawn.

Received

Aug. 9, 1911,

Second Field Division.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

03280

Serial No. —.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM Embracing NE.
 $\frac{1}{4}$ Sec. 30 T. 26 S. R. 21 E., M. D. M.

NOTICE OF APPLICATION FOR PATENT.

Notice is hereby given that in pursuance of Chapter Six of Title Thirty-two of the Revised Statutes of the United States, the Devil's Den Consolidated Oil Company, a corporation, whose principal place of business is at Visalia, Tulare County, California, by I. T. Bell its agent and attorney-in-fact, whose postoffice address is Visalia, Tulare County, California, claiming to own the following described placer mining claim, to wit: the Consolidated Placer Mining Claim comprising the Northeast quarter of Section thirty (30) in Township Twenty-six (26) South, Range Twenty-one (21) East, of the Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public Land Surveys of the United States, is about to make application to the United States for a patent to said placer mining claim.

The notice of location of said Consolidated Placer Mining Claim was duly recorded in the office of the County Recorder of the County of Kern, State of

California, on February 23d, 1907, in Book 40 of Mining Records, Page 286.

Any and all persons claiming adversely the mining grounds and premises above described and applied for are hereby notified that unless their adverse claims are duly filed according to law, and the regulations thereunder, within the time prescribed by law, with the Register of the United States Land Office at Visalia, California, they will be barred by virtue of the provisions of said Statute.

Dated this 2d day of August, 1911.

GEO. W. STEWART,

Register.

Date of first publication August —, 1911.

(Rubber stamp:)

PROTEST

against the validity of this entry if filed in this office.

F. C. DEZENDORF,

Chief of Field Division,

Nov. 9th, 1911.

(Date) [305]

This notice must be IMMEDIATELY forwarded to the General Land Office, duplicate to be filed with the case for transmittal with the record.

4-024b.

DEPARTMENT OF THE INTERIOR,

General Land Office.

Visalia, California.

(Place)

August 8, 1911.

(Date)

NOTICE OF FILING MINERAL APPLICATION.

MINERAL APPLICATION SERIAL No. 03280.
679311.

The Commissioner of the General Land Office:

Sir: On August 2d, 1911, I. T. Bell, attorney in fact for Devil's Den Cons. Oil Company filed Mineral Application Serial No. 03280 for the Consolidated
(List alphabetically all locations applied for)
Placer Mining Claim, being the NE. $\frac{1}{4}$ situate in Section 30, Township 26 S., Range 21 E., M. D. Meridian, Kern County.

Very respectfully,

GEO. W. STEWART,

Register.

NOTE: This notice must show serial No.; date of filing, survey No.; if lode or surveyed placer; alphabetical list of all locations; Name or names of applicant or applicants; description if taken by legal subdivisions; section, township, range, mining district and county; and notations of exclusions.

6-2056

S. & E. M. D. M.

Posted in V 29-106. [306]

Aug. 2, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Corporation, for a Patent to CONSOLIDATED
PLACER MINING CLAIM Embracing NE.
1/4 Sec. 30 T. 26 S. R. 21 E., M. D. M.

RESOLUTION APPOINTING AGENT—03280.

Resolved that I. T. Bell be and he is hereby appointed the agent and attorney in fact of the Devil's Den Consolidated Oil Company, a corporation, to apply for and obtain a patent from the United States to the Consolidated Placer Mining Claim comprising the Northeast quarter of Section Thirty (30) Township Twenty-six (26) South, Range Twenty-one (21) East Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres, according to the system of Public Land Surveys of the United States, and I. T. Bell is hereby authorized and directed to sign, execute and verify all necessary papers and documents for the purpose of obtaining such patent for and on behalf of said corporation, and to do or cause to be done all things necessary or proper in or about said application.

Office of the Devil's Den Consolidated Oil Company,
City of Visalia,
County of Tulare, State of California,—ss.

I hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of Devil's Den Consolidated Oil Com-

pany at a meeting duly assembled and held on the 17th day of June, 1911.

In witness whereof I have hereunto set my hand and [307] affixed the corporate seal of said corporation on the 31st day of July, 1911.

[Seal]

I. T. BELL,

Secretary of Devil's Den Consolidated Oil Company.

[308]

Aug. 2, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. 03280.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM Embracing NE.
¼ Sec. 30 T. 26 S. R. 21 E., M. D. M.

PROOF OF POSTING NOTICE (Claimant).

State of California,

County of _____.

I. T. Bell, being first duly sworn, deposes and says: That he is a citizen of the United States over the age of twenty-one years; that his postoffice address is Visalia, California; that he is the agent and attorney in fact for the Devil's Den Consolidated Oil Company, applicant for patent to the placer mining claim comprising the Northeast quarter of Section Thirty (30) in Township Twenty-six (26) South, Range Twenty-one (21) East of the Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public

Land Surveys of the United States.

That on the 30th day of July, 1911, he posted a notice of the intention of said applicant to apply for a patent to said mining claim, in a conspicuous place on the land embraced therein; that said notice was posted by being securely fastened to a board, securely planted upon said land and near the N. W. corner thereof; that said notice was posted at a convenient height to be seen, read and examined, and that said notice as so posted could be readily seen, read and examined; that a true copy of the notice posted as aforesaid is annexed hereto, marked Exhibit "A" and made a part hereof.

I. T. BELL. [309]

Subscribed and sworn to before me this 30th day of July, 1911, and I hereby certify that I consider the above-named affiant a credible and reliable man; that the foregoing affidavit was read by him before his signature was affixed thereto and the oath made by him.

[Seal]

JNO. T. GREEN,

Notary Public in and for Said County of Kern, State of California. [310]

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. —.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Corporation, for a Patent to CONSOLIDATED
PLACER MINING CLAIM Embracing NE.
1/4 Sec. 30 T. 26 S. R. 21 E., M. D. M.

PROOF OF POSTING NOTICE (Witnesses).

State of California,

County of —.

W. E. Jones and R. O. Buckley, being first duly sworn, each for himself and not one for the other, deposes and says: That he is a citizen of the United States and over the age of twenty-one years; that he is not interested in any way in the application for patent mentioned in the caption hereof or the lands covered thereby; that he is well acquainted with the placer mining claim comprising the Northeast quarter of Section Thirty (30) in Township Twenty-six (26) South, Range Twenty-one (21) East of the Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public Land Surveys of the United States.

That he was present on the 30th day of July, 1911, and saw I. T. Bell, agent and attorney in fact for the Devil's Den Consolidated Oil Company, applicant for patent in the above-entitled proceedings, post the notice of intention of said applicant to apply for a patent to the said placer mining claim; that said notice was then and there posted by said I. T. Bell in a conspicuous place upon the land embraced in said claim by being securely fastened to a board securely planted upon said land and near the N. W. corner [311] thereof; that said notice was posted at a convenient height to be seen, read and examined and as so posted said notice could be readily seen, read and examined; that a full and true copy of the notice posted as aforesaid is attached hereto, marked Ex-

hibit "A" and made a part of this affidavit.

(Signed) W. E. JONES.

" R. O. BUCKLEY.

Subscribed and sworn to before me this 30th day of July, 1911, and I hereby certify that I consider the above-named affiants credible and reliable men; that the foregoing affidavit was read by them before their signatures were affixed thereto and the oath made by them.

[Seal] (Signed) JNO. T. GREEN,

Notary Public in and for Said County of Kern, State of California. [312]

EXHIBIT "A."
IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. —.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM Embracing NE.
1/4 Sec. 30 T. 26 S. R. 21 E., M. D. M.

NOTICE OF APPLICATION FOR PATENT.

Notice is hereby given that in pursuance of Chap-
ter Six of Title Thirty-two of the Revised Statutes
of the United States, the Devil's Den Consolidated
Oil Company, a corporation, whose principal place
of business is at Visalia, Tulare County, California,
by I. T. Bell its agent and attorney-in-fact, whose
postoffice address is Visalia, Tulare County, Califor-
nia, owning and claiming to own the following de-

scribed placer mining claim, to wit: the Consolidated Placer Mining Claim comprising the Northeast quarter of Section thirty (30) in Township Twenty-six (26) South, Range Twenty-one (21) East, of the Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public Land Surveys of the United States, is about to make application to the United States for a patent to said placer mining claim.

The notice of location of said Consolidated Placer Mining Claim was duly recorded in the office of the County Recorder of the County of Kern, State of California, on February 23d, 1907, in Book 40 of Mining Records, Page 286.

Any and all persons claiming adversely the mining grounds and premises above described and applied for are hereby notified that unless their adverse claims are duly filed according to law, and the regulations thereunder, within the time prescribed by law, with the Register of the United States Land Office at Visalia, California, they will be barred by virtue of the provisions of said Statute.

Dated and posted on the ground this 30th day of July, 1911.

DEVIL'S DEN CONSOLIDATED OIL
COMPANY.

By I. T. BELL,

Its Agent and Attorney-in-Fact.

Witnesses to posting:

W. E. JONES,

R. O. BUCKLEY. [313]

Aug. 2, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. 03280-679085.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDAED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM, Embracing NE.
 $\frac{1}{4}$ Sec. 30 T. 26 S. R. 21 E., M. D. M.

APPLICATION FOR PATENT.

To the Register and Receiver of the United States
Land Office, Visalia, California.

State of California,
County of Tulare,—ss.

I. T. Bell, being first duly sworn, deposes and says:
That he is a citizen of the United States and over
the age of twenty-one years; that his postoffice ad-
dress is Visalia, California; that he is the duly ap-
pointed agent and attorney-in-fact of the Devil's Den
Consolidated Oil Company, a corporation; that the
principal place of business and postoffice address of
the Devil's Den Consolidated Oil Company is Visalia,
California; that by virtue of a compliance with the
provisions of the laws of the United States and the
rules and regulations thereunder prescribed by the
Department of the Interior of the United States gov-
erning the acquisition of title to the mineral lands on
the public domain, said applicant has become and
now is the owner and now is in the actual quiet and
undisturbed possession of that certain placer mining
claim situated in the County of Kern, State of Cali-

fornia, [314] (and not being within the limits of any mining district organized as such, but being within the vicinity of locality known as The Lost Hills Mining District), and more particularly described as follows, to wit: Consolidated Placer Mining Claim embracing the Northeast quarter of Section Thirty (30) in Township Twenty-six (26) South, Range twenty-one (21) East, Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of public land surveys of the United States.

And affiant for and on behalf of said Devil's Den Consolidated Oil Company hereby applies for a patent to said Consolidated Placer Mining Claim and the lands therein embraced as just above described.

That the area and extent of said mining claim for which patent is hereby applied and which is above described, is fully set forth and described in the official field notes and surveys and plats thereof now on file in the abovenamed Land Office and in the General Land Office at Washington, D. C., to which field notes and plats reference is hereby made.

That the facts relative to the ownership and right to possession to said mining claim and land are substantially as follows, to wit: Charles Togni, D. Switzer, E. C. Farnsworth, A. R. Orr, M. T. Mills, C. J. Giddings, L. C. Hyde and W. B. Wallace, having associated themselves together for that purpose, did on February 13, 1907, enter upon said land above described, and having then and theretofore discovered on said land placer mineral, to wit: gypsum and other placer minerals, did then and there claim

and locate said land as a consolidated placer mining claim, and did then and there post on said land a proper notice of location, and did mark the boundaries of said claim so they could readily be traced on the ground, and did thereafter and on February 23, 1907, [315] cause a true copy of the notice so posted on said land as aforesaid, to be recorded in the office of the County Recorder of Kern County, that being the county in which said land is located, in Book 40 of Mining Records, page 286; that said notice of location posted on the ground as aforesaid, and a copy of which was recorded as aforesaid, did contain the names of the locators, the date of said location, and a description of the lands located. A certified copy of said notice of location accompanies this application, is attached hereto, marked Exhibit "A," and is hereby referred to for all the particulars therein contained. That the name of said D. Switzer erroneously appeared in said notice of location as Paul Sweitzer, but that the name intended to be inserted therein was D. Switzer, as he was the party who actually associated himself with his colocators for the purpose of making said location, there being no party in this vicinity at that time by the name of Paul Sweitzer, wherefore, affiant avers that the name of said locator should be and appear as D. Switzer.

That thereafter by deed dated May 30, 1907, Devil's Den Consolidated Oil Company, the applicant herein, acquired from each and all of said locators all of their right, title and interest in and to said Consolidated Placer Mining Claim and in and to the land covered thereby.

That the Devil's Den Consolidated Oil Company is a corporation duly organized under the laws of the State of California, as will more fully appear by reference to its Articles of Incorporation, a certified copy of which is attached hereto, marked Exhibit "B" and made a part hereof.

That the applicant for patent herein, the Devil's Den Consolidated Oil Company, and its predecessors in title, the locators above-named, have, ever since the location of said placer [316] mining claim, to wit: February 13, 1907, been in the actual *bona fide* possession of said land, working and holding and claiming the same as a placer mining claim, and developing the placer minerals therein contained under the mining laws of the United States.

That there are no miners' rules and regulations now in force or in effect in the district or vicinity in which said mining claim is located.

That said land is situated on the western edge of the San Joaquin Valley in the district known as the Lost Hills Mining District, and is of a rolling uneven character, entirely devoid of timber. That there is no natural growth of vegetation thereon except a scattering growth of sage brush, and during the rainy seasons, a growth of natural grasses which dry up and blow away soon after the rains cease in the spring, not later than May first of each year. That there is no stream or body of water on or adjoining said land. That said land is not fit for agricultural purposes other than for grazing, because there is no water available to irrigate the same, and the rainfall thereon is not sufficient to produce crops of any

value. That the highest agricultural value of said land is for grazing purposes, for which it has an annual rental value of not to exceed ten cents per acre.

That at and prior to the date of said location, to wit, February 13, 1907, the above-named locators discovered placer mineral on said land, to wit, gypsum. That applicant has caused labor to be performed and improvements to be made on said land for the purpose of developing the gypsum deposits thereon and that the value of said labor and improvements for that purpose, exceeds the sum of Five Hundred (\$500) Dollars, and consists of digging trenches, cuts, pits and other excavations for the purpose of developing the gypsum deposits thereon, and opening up the same and exploring for [317] the same and said work has developed and discovered large and valuable deposits of gypsum on said land, and has shown that there are at least one hundred thousand (100,000) tons of gypsum thereon of sufficient purity to be shipped and sold at a profit when suitable transportation facilities are brought into that vicinity.

That during the year 1910 this applicant caused a well to be drilled on said land for the purpose of exploring for and developing petroleum oil, and that during said year said well was sunk to a depth of about 566 feet, and at the depth therein of 539 feet a large and prolific stratum of oil-bearing sand was discovered and oil was produced therefrom; that when said well was completed it produced oil at the rate of about three hundred (300) barrels or more per day of twenty-four hours, and that ever since

said time said well has been capable, if desired, to produce at least 300 barrels of oil per day; that the value and cost of said well exceeds the sum of Three Thousand (\$3,000) Dollars.

That ever since the date of said location, applicant or its predecessors in title, have been in the actual possession of said land, and that said possession consisted of going upon said land at any and all times and remaining there at any and all times when desired without being hindered or obstructed by any person or persons and without objection from any source whatever.

That so far as affiant is advised there is no person, firm or corporation claiming or setting up or pretending to have any right, title, interest or claim in or to said placer mining claim or any part thereof, adverse or superior to that of applicant therein.

That said applicant and its predecessors in title have fully and fairly complied with all of the requirements of law as to said placer mining claim.
[318]

In consideration of said facts and in conformity with the provisions of Chapter Six, Title Thirty-two of the Revised Statutes of the United States, application is hereby made by said Devil's Den Consolidated Oil Company for a patent from the Government of the United States for said Consolidated Placer Mining Claim, embracing the land above described.

I. T. BELL,
Agent and Attorney-in-fact of the Devil's Den Consolidated Oil Company.

Subscribed and sworn to before me this 2nd day of August, 1911, and I hereby certify that I consider the above-named affiant a credible and reliable man and that the foregoing affidavit was read by him before his signature was affixed thereto and the oath made by him.

(Signed) GEO. W. STEWART,
Register. [319]

EXHIBIT "A."

NOTICE OF LOCATION—PLACER CLAIM.

Notice is hereby given that the undersigned citizen of the United States, in compliance with the requirements of the Revised Statutes of the United States, have this day located the following-described placer mining ground, viz.:

The NE. $\frac{1}{4}$ of Sec. 30, Township 26 S. Range 21 E., situate in the Lost Hills Mining District, County of Kern, State of Calif.

This claim shall be known as the Consolidated Placer Mining Claim.

Located 13th day of February, 1907.

CHAS. TOGNI.
PAUL SWEITZER,
E. C. FARNSWORTH,
A. R. ORR.
M. T. MILLS.
C. J. GIDDINGS.
L. C. HYDE.
W. B. WALLACE.

I hereby certify the above and foregoing to be a true and correct copy of the original filed for record

at the request of J. N. Hoyt, Feb. 23, A. D. 1907, at
10 minutes past 9 o'clock A. M.

CHAS. A. LEE,
Recorder.

State of California,
County of Kern,—ss.

I, Chas. A. Lee, County Recorder of said County,
do hereby certify that the annexed is a whole, true
and correct copy of an original, as will appear by
reference to book 40 of Mining Records, page 286,
now in my office, and that said copy has been com-
pared with the original and is a correct transcript
therefrom.

WITNESS my hand and seal this 20 day of June,
1911.

CHAS. A. LEE,
Recorder in and for the County of Kern, California.

By _____,
Deputy. [320]

[County Recorder's Seal]

EXHIBIT "B."
ARTICLES OF INCORPORATION
of the
DEVIL'S DEN CONSOLIDATED OIL
COMPANY.

KNOW ALL MEN BY THESE PRESENTS:
That we, the undersigned, a majority of whom are
citizens and residents of the State of California, have
this day voluntarily associated ourselves together
for the purpose of forming a corporation under the
laws of the State of California.

AND WE HEREBY CERTIFY:

First: That the name of said corporation shall be the Devil's Den Consolidated Oil Company.

Second: That the purposes for which it is formed are to locate, acquire, hold and work, buy, sell, lease, mortgage and deal in mines, mining claims, mineral lands and other real property; to bore for and develop, produce, buy, sell, and deal in gas and gas wells, oil and oil wells, petroleum, minerals and the products thereof; and to buy, sell, lease, erect, construct, maintain, operate, hypothecate, mortgage and deal in all kinds of buildings, structures, works, machinery, tools, appliances and outfits required therefor; to develop, buy, sell, lease, mortgage and deal in water and water rights; to buy, sell, lease, mortgage and deal in rights of way, pipe-lines, easements and franchises; to conduct gas, oil and water through pipe-lines and otherwise; to acquire, buy, sell and deal in shares of stock and bonds and interests of other corporations and corporate properties; to borrow and loan money; to acquire, buy, sell, lease, mortgage, bond, hypothecate, exchange, issue bonds on and deal in real and personal property of every description; and to deal in and with all kinds of property necessary in the transaction [321] of the business of this corporation, as well as in the business of general merchandizing, and to do all things necessary therefor, and to transact such other and further business as to the directors may from time to time determine.

Third: That the place where the principal business of said corporation is to be transacted is

Visalia, Tulare County, California.

Fourth: That the term for which said corporation is to exist is fifty (50) years from and after the date of its incorporation.

Fifth: That the number of directors or trustees of said corporation shall be seven and that the names and residences of the directors or trustees who are appointed for the first year and to serve until the election and qualification of such officers, are as follows, to wit:

| Names | Whose Residence is at |
|----------------|-----------------------------------|
| W. B. Wallace | Visalia, Tulare Co., California. |
| I. T. Bell | Visalia, Tulare Co., California. |
| A. R. Orr | Visalia, Tulare Co., California. |
| G. W. Zartman | Tulare, Tulare Co., California. |
| B. L. Barney | Hanford, Kings Co., California. |
| J. W. Tompkins | Oakland, Alameda Co., California. |
| F. M. Farwell | Oakland, Alameda Co., California. |

Sixth: That the amount of the capital stock of said corporation is \$103,000, and the number of shares into which it is divided is 103,000 of the par value of One Dollar (\$1.00) each.

Seventh: That the amount of said capital stock which has been actually subscribed is Seven Dollars (\$7) and the following are the names of the persons by whom the same has been subscribed: [322]

| Names of Subscriber. | Number of Shares. | Amount. |
|----------------------|-------------------|---------|
| W. B. Wallace | 1 share | \$1.00 |
| I. T. Bell | 1 “ | 1.00 |
| A. R. Orr | 1 “ | 1.00 |
| G. W. Zartman | 1 “ | 1.00 |

| | | | |
|----------------|---|---|------|
| B. L. Barney | 1 | “ | 1.00 |
| J. W. Tompkins | 1 | “ | 1.00 |
| F. M. Farwell | 1 | “ | 1.00 |

IN WITNESS WHEREOF we have hereunto set our hands and seals this 25th day of January, 1900.

W. B. WALLACE. (Seal)

I. T. BELL. (Seal)

A. R. ORR. (Seal)

G. W. ZARTMAN. (Seal)

J. W. TOMPKINS. (Seal)

F. M. FARWELL. (Seal)

B. L. BARNEY. (Seal)

State of California,
County of Tulare,—ss.

On this 25th day of January in the year one thousand nine hundred, before me, Josephine Dineley, a Notary Public in and for the said County of Tulare, residing therein, duly commissioned and sworn, personally appeared I. T. Bell and G. W. Zartman, known to me to be the persons whose names are subscribed to and who executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year last above written.

[Seal]

JOSEPHINE DINELEY,

Notary Public in and for the County of Tulare, State of California. [323]

State of California,
County of Tulare,—ss.

On this 26th day of January, 1900, before me, Josephine Dineley, a Notary Public in and for said Tulare County, residing therein, duly commissioned and sworn, personally appear A. R. ORR, known to me to be the person described in, whose name is subscribed to, and who executed the within instrument and he acknowledged that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at my office in said County of Tulare, the day and year in this certificate first above written.

[Seal] JOSEPHINE DINELEY,
Notary Public in and for Tulare County, State of
California.

State of California,
County of Alameda,—ss.

On this 29th day of January, one thousand nine hundred, before me, H. R. Havens, a Notary Public in and for said County of Alameda, residing therein, duly commissioned and sworn, personally appeared F. M. Farwell and J. W. Tompkins, known to me to be the persons whose names are subscribed to and who executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal the day and year last above written.

[Seal] H. R. HAVENS,
Notary Public in and for said County of Alameda,
State of California.

State of California,
County of Kings,—ss.

On this 30th day of January, in the year one thousand and nine hundred, before me, Andrew F. Park, a Notary Public in and for said County of Kings, State of California, residing therein, duly commissioned and sworn, personally appeared B. L. Barney, known to me to be the person described in, whose names is subscribed to and who executed the within instrument, and he acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal at my office in said County of Kings, the day and year in this certificate first above written.

[Seal] ANDREW G. PARK,
Notary Public in and for said County of Kings, State
of California. [324]

State of California,
County of Tulare,—ss.

On this 31st day of January, 1900, before me, Josephine Dineley, a notary public in and for said Tulare County, residing therein, duly commissioned and sworn, personally appeared W. B. Wallace, known to me to be the person described in, whose name is subscribed to and who executed the within instrument, and he acknowledged that he executed the same.

IN WITNESS WHEREOF I have hereunto set
my hand and affixed my official seal at my office in

said County of Tulare, the day and year in this certificate first above written.

[Seal] JOSEPHINE DINELEY,
Notary Public in and for Tulare County, California.

I hereby certify the foregoing to be a full, true and correct copy of the original Articles of Incorporation on file in my office in the above-entitled matter.

IN WITNESS WHEREOF I have hereunto set
my hand and affixed the seal of the above-entitled
court this 31st day of Jany., 1900.

[Seal] JOHN CUTLER, Jr.,
Clerk.

By H. B. McClure,
Deputy.

(I. R. stamp 10¢ cancelled and cut)

No. 1166.

STATE OF CALIFORNIA.

Department of State.

I, C. F. Curry, Secretary of State of the State of California, do hereby certify that I have carefully compared the annexed copy of the Articles of Incorporation of Devil's Den Consolidated Oil Company with the certified copy of the original now on file in my office and that the same is a correct transcript therefrom and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

WITNESS my hand and the Great Seal of State at office in Sacramento, California, the 2nd day of Feby., A. D. 1900.

[Seal]

C. F. CURRY,
Secretary of State.
By J. Hoesch,
Deputy.

(I. R. stamp 10¢ cancelled.)

[Endorsed]: Filed January 31st, 1900. John Cutler, Jr., Clerk. By H. B. McClure, Deputy.

[Endorsed]: Filed in the office of the Secretary of State the 2d day of Feb. A. D. 1900. C. F. Curry, Secretary of State. J. Hoesch, Deputy.

Record Book —, page —. [325]

Filed in the office of the County Clerk of the County of Kern, State of California, this 21st day of May, 1900. I. L. Miller, County Clerk.

State of California,
County of Kern,—ss.

I, I. L. Miller, County Clerk of the County of Kern, State of California, do hereby certify the within to be a full, true and correct copy of Articles of Incorporation of Devil's Den Consolidated Oil Company, as remains on file in this office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this 31st day of July, A. D. 1911.

[Seal]

I. L. MILLER,
Clerk.
By W. T. Woods,
Deputy Clerk. [326]

Sept. 27, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. 03280.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM, Embracing
NE. $\frac{1}{4}$ Sec. 30, T. 26 S. R. 21 E. M. D. M.

AFFIDAVIT OF MINERAL CHARACTER AND
IMPROVEMENTS.

State of California,

County of —.

John E. Henry and Russell Mills, being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and over the age of twenty-one years; that for at least one year last past he has been familiar with the business of developing and producing petroleum, oil and gypsum in the State of California, and knows the cost, or reasonable value, of the improvements made upon the land hereinafter described as hereinafter set forth; that he is familiar with the lands and vicinity in said County of Kern where the business of drilling for, producing and shipping oil and mining gypsum is carried on; that he is well acquainted with the Consolidated Placer Mining Claim comprising the Northeast quarter of Section Thirty (30), Township Twenty-six (26) South, Range Twenty-one (21) east of the Mount

Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public Land Surveys of the United States; that affiant is well acquainted with the labor done and improvements made and the minerals discovered and produced upon the said above-described placer mining claim. [327]

That said land is situated on the western edge of the San Joaquin Valley in the district known as The Lost Hills Mining District, and is of a rolling uneven character, entirely devoid of timber. That there is no natural growth of vegetation thereon except a scattering growth of sage brush, and during the rainy seasons, a growth of natural grasses which dry up and blow away soon after the rains cease in the spring, not later than May first of each year. That there is no stream or body of water on or adjoining said land. That said land is not fit for agricultural purposes other than for grazing, because there is no water available to irrigate the same, and the rainfall thereon is not sufficient to produce crops of any value. That the highest agricultural value of said land is for grazing purposes, for which it has an annual rental value of not to exceed ten cents per acre.

That at and prior to the date of said location, to wit, February 13, 1907, the above-named locators discovered placer mineral on said land, to wit, gypsum. That applicant has caused labor to be performed and improvements to be made on said land for the purpose of developing the gypsum deposits thereon and that the value of said labor and improve-

ments for that purpose, exceeds the sum of Five Hundred (\$500) Dollars, and consists of digging trenches, cuts, pits and other excavations for the purpose of developing the gypsum deposits thereon, and opening up the same and exploring for the same and said work has developed and discovered large and valuable deposits of gypsum on said land, and has shown that there are at least one hundred thousand (100,000) tons of gypsum thereon of sufficient purity to be shipped and sold at a profit when suitable transportation facilities are brought into that vicinity.

That during the year 1910 this applicant caused a well to be drilled on said land for the purpose of exploring for and developing [328] petroleum oil, and that during said year said well was sunk to a depth of about 566 feet, and at the depth therein of 539 feet a large and prolific stratum of oil-bearing sand was discovered and oil was produced therefrom; that when said well was completed it produced oil at the rate of about three hundred (300) barrels or more per day of twenty-four hours, and that ever since said time said well has been capable, if desired, to produce at least 300 barrels of oil per day; that the value and cost of said well exceeds the sum of Three Thousand (\$3,000) Dollars.

That ever since the date of said location, applicant or its predecessors in title, have been in the actual possession of said land, and that said possession consisted of going upon said land at any and all times and remaining there at any and all times when desired without being hindered or obstructed by any

person or persons and without objection from any source whatever.

That so far as affiant is advised there is no person, firm or corporation claiming or setting up or pretending to have any right, title, interest or claim in or to said placer mining claim or any part thereof, adverse or superior to that of applicant therein.

That affiant is not interested in the above-described placer mining claim or any part or portion thereof, or in the minerals contained therein.

JOHN E. HENRY.

RUSSELL MILLS.

Subscribed and sworn to before me this 27th day of September, 1911, and I hereby certify that I consider the above-named affiants credible and reliable men; that the foregoing affidavit was read by them before their signatures were affixed thereto and the oath made by them.

GEO. W. STEWART,

Register. [329]

Sep. 27, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. 03280.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Corporation for a Patent to CONSOLIDATED
PLACER MINING CLAIM, Embracing
NE. ¼ Sec. 30 T. 26 S. R., 21 E. M. D. M.
PROOF OF ABSENCE OF VEINS.

State of California,
County of —.

John E. Henry and Russell Mills, being first duly sworn, each for himself and not one for the other, deposes and says: That he is a citizen of the United States and over the age of twenty-one years; that he is a resident of the County of Tulare, State of California; that he is well acquainted with the territory on the West Side of the San Joaquin Valley in the vicinity of the mining claim hereinafter described; that he is well acquainted with each of the legal subdivisions, having frequently passed over the same, of the Consolidated Placer Mining Claim comprising the Northeast quarter of Section Thirty (30) Township Twenty-six (26) South, Range Twenty-one (21) East of the Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public Land Surveys of the United States; that his knowledge of said land is such as to enable him to testify understandingly with regard thereto; that there is not to his knowledge within the limits of said placer mining claim any vein or lode of quartz or other rock in place bearing gold, silver, cinnebar, lead, tin, or copper, or any other valuable deposits at any place upon said claim; [330] that there is no salt spring or other deposit of salt thereon sufficient to make it chiefly valuable therefor, except petroleum, asphaltum, natural gas, gypsum or other placer mineral or minerals recognized by law as being placers are excepted from the operation of this affidavit.

That affiant has no interest in said placer mining claim or in the mineral or mineral products therein contained or in the application for patent therefor.

JOHN E. HENRY.

RUSSELL MILLS.

Subscribed and sworn to before me this 27th day of September, 1911, and I hereby certify that I consider the above-named affiants credible and reliable men; that the foregoing affidavit was read by them before their signatures were affixed thereto and the oath made by them.

GEO. W. STEWART,

Register. [331]

Oct. 31, 1911.

AFFIDAVIT OF PUBLICATION—03280.

State of California,

County of Kern,—ss.

C. H. Seiders, being duly sworn, upon his oath deposes and says: My name is C. H. Seiders; I am a resident of the County of Kern, State of California, and am over the age of 21 years; I am now, and ever since the 17th day of March, 1908, have been manager of "Delano Record," a newspaper printed and published in Delano in said Kern County, and as such had charge of all the advertisements published in said newspaper since said 17th day of March, 1908, and I further state that the legal notice of which the copy annexed on the margin hereof is a true printed copy, which printed copy is hereby referred to and made a part hereof, was published in said newspaper once each week for 10 successive weeks,

(Here is inserted true and correct copy of Notice of Application for Patent, dated the 2nd day of August, 1911).

the said notice being in each number of the regular and entire issue, and not in any supplement thereof, and during each and all the times specified, as follows, to wit:

In the issue of Aug. 3, 1911; Aug. 10, 1911.

In the issue of Aug. 17, 1911; Aug. 24, 1911.

In the issue of Aug. 31, 1911.

In the issue of Sept. 7, 1911; Sept. 14, 1911.

In the issue of Sept. 21, 1911; Sept. 28, 1911.

In the issue of Oct. 5, 1911.

C. H. SEIDERS.

Subscribed and sworn to before me this 9th day of October, 1911.

[Seal]

W. B. TIMMONS,

Notary Public in and for the County of Kern, State of California. [332]

Oct. 31, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. 03280.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM, Embracing
NE. $\frac{1}{4}$ Sec. 30 T. 26 S. R., 21 E. M. D. M.

PROOF OF CONTINUOUS POSTING ON LAND.

State of California,

County of Tulare,—ss.

I, T. BELL, being first duly sworn, deposes and says: That he is the agent and attorney in fact of the Devil's Den Consolidated Oil Company for the pur-

pose of applying for and obtaining a patent to the Consolidated Placer Mining Claim; that on the 30th day of July, 1911, he posted notice of the application of said applicant for a patent to said Consolidated Placer Mining Claim, as shown by affiant's affidavit and the affidavit of two disinterested witnesses now on file in the above named Land Office.

That said notice was posted in a conspicuous place on the Northeast quarter of said Section Thirty (30) near the center thereof;

That ever since said 30th day of July, 1911, affiant has caused said notice to remain so posted on said claim, and said notice has been continuously and conspicuously posted on said claim from and including the 30th day of July, 1911, to and including the 5th day of October, 1911, and during the entire period of publication of said notice.

I. T. BELL. [333]

Subscribed and sworn to before me this 31st day of October, 1911,

GEO. W. STEWART,
Notary Public in and for the County of Tulare, State
of California. [334]

CERTIFICATE THAT NOTICE REMAINED
POSTED SIXTY DAYS.

Nov. 10, 1911.

UNITED STATES LAND OFFICE,
AT VISALIA, CALIFORNIA.

November 10, 1911.

I hereby certify that a notice, of which the attached notice is a copy, of application No. 03280, by

Devil's Den Consolidated Oil Company, for a patent for the Consolidated Placer Mining Claim, remained conspicuously posted in this office for the full period of sixty days; that said notice was posted on the 2d day of August, 1911, and remained posted until the 10th day of November, A. D. 1911; that during that time the plat of the official survey No. —, of said claim remained in this office, and that no adverse claim has been filed.

GEO. W. STEWART,
Register. [335]

Withdrawn.

RECEIVED

Aug. 9, 1911.

Second Field Division.

November 10, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

03280

Serial No. —.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM, Embracing
NE. $\frac{1}{4}$ Sec. 30 T. 26 S. R., 21 E. M. D. M.

NOTICE OF APPLICATION FOR PATENT.

Notice is hereby given that in pursuance of Chapter Six of Title Thirty-two of the Revised Statutes of the United States, the Devil's Den Consolidated Oil Company, a corporation, whose prin-

incipal place of business is at Visalia, Tulare County, California, by I. T. Bell, its agent and attorney in fact, whose postoffice address is Visalia, Tulare County, California, claiming to own the following described placer mining claim, to wit: the Consolidated Placer Mining Claim comprising the Northeast quarter of Section Thirty (30) in Township Twenty-six (26) South, Range Twenty-one (21) East of the Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public Land Surveys of the United States, is about to make application to the United States for a patent to said placer mining claim.

The notice of location of said Consolidated Placer Mining Claim was duly recorded in the office of the County Recorder of the County of Kern, State of California, on February 23d, 1907, in Book 40 of Mining Records, page 286.

Any and all persons claiming adversely the mining grounds and premises above described and applied for are hereby notified that unless their adverse claims are duly filed according to law, and the regulation thereunder, within the time prescribed by law, with the Register of the United States Land Office at Visalia, California, they will be barred by virtue of the provisions of said Statute.

Dated this 2d day of August, 1911.

GEO. W. STEWART,

Register.

Date of first publication August —, 1911. [336]

Oct. 31, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. 03280.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM, Embracing
NE. $\frac{1}{4}$ Sec. 30 T. 26 S. R., 21 E. M. D. M.

STATEMENT OF FEES AND CHARGES.

State of California,

County of Tulare,—ss.

I. T. Bell, being first duly sworn, deposes and says:
that he is the agent and attorney in fact for the
Devil's Den Consolidated Oil Company, a corpora-
tion, in the above-entitled matter for the purpose of
applying for and obtaining a patent from the Govern-
ment of the United States to the following described
placer mining claim;

The Consolidated Placer Mining Claim, compris-
ing the Northeast quarter of Section Thirty (30)
Township Twenty-six (26) South, Range Twenty-
one East, Mount Diablo Base and Meridian, contain-
ing one hundred and sixty (160) acres according to
the system of Public Land Surveys of the United
States.

That he has conducted said application on behalf
of said Devil's Den Consolidated Oil Company, and
is familiar with the sums of money paid and ex-
pended in that behalf; that in the prosecution of said

application he has paid out in the manner and for the purposes below indicated, the following sums of money and no more;

| | |
|---|----------|
| To the Register on filing application for patent..... | \$ 10.00 |
| For Publication of Notice of Application.... | 12.00 |
| For Purchase Price of Land..... | 400.00 |
| | <hr/> |
| | \$422.00 |

I. T. BELL. [337]

Subscribed and sworn to before me this 31st day of October, 1911.

GEO. W. STEWART,
Notary Public in and for the County of Tulare, State of California. [338]

Oct. 31, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

Serial No. 03280.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Corporation, for a Patent to CONSOLIDATED
PLACER MINING CLAIM Embracing NE.
1/4 Sec. 30 T. 26 S. R. 21 E., M. D. M.

APPLICATION TO PURCHASE—679311.

To the Register and Receiver of the United States
Land Office, Visalia, California.

Sirs: The undersigned claimant, under the provisions of Chapter Six, Title Thirty-Two of the United States Revised Statutes, hereby applies to purchase

that certain placer mining claim situated in the County of Kern, and more particularly described as follows, to wit:

The Consolidated Placer Mining Claim, embracing the Northeast quarter of Section Thirty (30), Township Twenty-six (26) South, Range Twenty-one (21) East, Mount Diablo Base and Meridian, containing one hundred and sixty (160) acres according to the system of Public Land Surveys of the United States.

And applicant hereby agrees to pay therefore the sum of Four Hundred (\$400.00) Dollars, that being the legal price therefor.

Dated, Visalia, California, October 31st, 1911.

DEVIL'S DEN CONSOLIDATED OIL
COMPANY.

By I. T. BELL,
Its Agent and Attorney-in-Fact. [339]

Aug. 2, 1911.

IN THE UNITED STATES LAND OFFICE,
VISALIA, CALIFORNIA.

(Serial No. 03280.

In the Matter of the Application of DEVIL'S DEN
CONSOLIDATED OIL COMPANY, a Cor-
poration, for a Patent to CONSOLIDATED
PLACER MINING CLAIM, Embracing NE.
1/4 Sec. 30 T. 26 S. R. 21 E., M. D. M.

AGREEMENT WITH PUBLISHER.

The undersigned, publisher and proprietor of the "Delano Record," a weekly newspaper, published at Delano, Kern County, California, does hereby agree to publish the notice required by Chapter Six of

Title Thirty-two of the Revised Statutes of the United States, being the notice of intention of the Devil's Den Consolidated Oil Company, a corporation, the applicant for patent above-named, to apply for a patent to the Consolidated Placer Mining Claim situated in the County of Kern, State of California, and to hold the said Devil's Den Consolidated Oil Company for the same.

And it is hereby expressly stipulated and agreed that no claim shall be made against the Government of the United States, or its officers or agents for such publication.

Delano, California, July 29th, 1911.

CHAS. K. SEEVER,

Publisher. [340]

[Endorsed]: No. A-37 Eq. United States vs. Devil's Den Consolidated Oil Co. et al., Defendants. Exhibit "A." Copy of Proceedings before Visalia Land Office. No. 03280. Filed Aug. 21, 1916. Wm. M. Van Dyke, Clerk. T. F. Green, Deputy. [341]

Thereupon Mr. Dunne presented his argument for the defendants to the Court on the motion to dismiss the cases on the ground that the Court had no jurisdiction to try said cases. Mr. Dunne occupied all of the morning in this argument, and at 12 o'clock the court took a recess until 2 o'clock P. M. of said 21st day of August 1916, whereupon Mr. Dunne resumed his argument, and finished his opening statement during the afternoon.

At the close of the opening argument, Mr. Dunne stated to the Court as follows:

“Now, I hope that I have made plain my mind to your Honor upon this question of jurisdiction, and I think perhaps you will appreciate the somewhat insistent position I took this morning that this fundamental question should be considered and determined before we went into any litigation upon questions of injunction [342] or receiver or any other kind of question falling within the play of the ordinary exercise of the jurisdiction of the court.”

Whereupon Mr. Frank Hall and Mr. E. J. Justice, solicitors for the complainant, replied, which arguments continued until the close of the afternoon session, at which time the Court adjourned until August 22, 1916, at 10 o'clock A. M.

At 10 o'clock A. M., August 22, 1916, Mr. Justice resumed his argument, and thereafter Mr. Dunne replied to the argument of counsel for the complainant.

At the close of Mr. Dunne's argument the following proceedings took place:

“The COURT.—In case Number 57, which I assume has been considered along with 52 and 37, I therefore assume that it now develops that at the time this suit was commenced there was no application pending in this Department for a patent.

“Mr. PIER.—We had prepared an application for patent long prior to the commencement of this action. It developed that there was a homestead entry upon that property and, therefore, our application was refused. That later was removed, and immediately upon its removal we filed our application for patent. Then we took all the necessary steps that we could have taken up to date, namely, filed the initial papers,

gave the notice, published notice, and we posted the notice upon the land. That is in course of being prosecuted at this time, and the time within which to pay the money has not yet arrived. That is, the ten-week period of publication has not expired and will not expire till December 19.

“The COURT.—You are not claiming that you can oust the jurisdiction of the court by such a proceeding as that?

“Mr. PIER.—It may be this: That the equitable title has [343] not vested in the applicant at this time by reason of the fact we have not paid the money. But having *bona fide* made our application with the Land Department for patent, we are entitled to proceed there, and the Land Office must adjudicate our rights as to the property. There may be some purposes for which this court may take jurisdiction in A-57. Our position in the other two is that there are no purposes for which the Court may take jurisdiction. The title, and our rights to this property, and our right to patent, must be determined in the Land Department.

“The COURT.—I do not understand that after a court of equity obtains jurisdiction in a suit to oust an occupant of public lands that he can defeat the jurisdiction by making an application merely to the Land Department for a patent.

“Mr. PIER.—That may be true.

“Mr. HALL.—Just to give the exact date, on June 15th, 1916, this suit A-57 was instituted and subpoena issued against the defendant. The initial proceedings in the Land Office looking to acquirement of pat-

ent were commenced on July 10, 1916, twenty-five days after the institution of this suit.

“Mr. DUNNE.—I would like to say that in arguing the case to you I went upon the proceedings in 52 and 37, and I never have seen the proceedings in 57.

“The COURT.—So far as 57 is concerned, if there is any objection to the jurisdiction, that will be overruled. So far as 52 and 37, I feel that it is an important question, and the consequences of the decision would be such that I ought not to decide it without time for examination, because if I should conclude that your position is well taken and dismiss the suit, the Government is not in position to enforce its rights against this property. And if I should overrule the plea and proceed with the consideration [344] of the question and the appointment of a receiver, and conclude that a receiver should be appointed, and put this property into the hands of a receiver, and it should ultimately turn out that I was in error, it would be a very great damage to the defendant. So I feel that in those cases I should have to take some time to consider them. It is impossible for me to say now when I can do it. I will do it as soon as I can.

“Mr. JUSTICE.—Pending that decision, would your Honor prefer to go on and hear the evidence upon the application for a receiver and decide law questions thereafter, or would you prefer to decide that question first?

“The COURT.—It would be more orderly to decide this question first. Then if I concluded the court had jurisdiction, to take up the other question. The only difficulty that I see in that course of proce-

dure, in so far as I am personally concerned, is that I shall not be able to take up any matters in California before the first of October. There may be other Judges, however, in this jurisdiction.

“Mr. JUSTICE.—Unfortunately, Judge Trippet considers himself disqualified to hear the case. Judge Bledsoe has refused to hear the case because of some suggestion that he was disqualified. He has not decided that he was disqualified, but it is embarrassing to him and he prefers not to hear it. Correspondence with Judge Gilbert has rather left the Government in a position where it seems to be dependent upon your Honor presiding in these cases if they be tried at any time reasonably soon. There might be some Judge obtained from outside of the District, but that is not desirable.

“The COURT.—Since I came here I learned that Judge Cushman had been assigned to the district during the month of September.

“Mr. JUSTICE.—My understanding is that Judge Cushman will [345] be very much occupied with some regular matters. In that situation, with the facts in that situation, I should like to ask your Honor to hear the evidence and have the whole matter before you so, if you overrule the objection—

“The COURT.—How long will it take? What time will it be necessary to consume?

“Mr. DUNNE.—It will be a very lengthy proceeding.

“Mr. HALL.—We can get *our in* in a day and a half.

“Mr. DUNNE.—I think, if your Honor please,

that this question of jurisdiction should be determined before we should be called upon to try the matter.

“The COURT.—That would be true ordinarily, Mr. Dunne. Is there any pressing necessity for the appointment of a receiver, from the viewpoint of the Government?

“Mr. JUSTICE.—Yes, your Honor. We made this application for a receiver several months ago and Judge Bledsoe was objected to then by Mr. Dunne, and the matter has drifted along for one reason or another, the Government being always desirous of taking up the case. I refer now to the Devil’s Den case. And in the Lost Hills cases—

“The COURT.—Is the property being operated?

“Mr. JUSTICE.—Yes, and enormous quantities of oil being taken from them.

“The COURT.—Are the proceeds being impounded in any way?

“Mr. JUSTICE.—Not by order of the Court. By stipulation they are putting them in a bank, except for the spending of money necessary for the operation of the wells. The company I think is insolvent. That is, they would be wholly insolvent except for this property. If it does not belong to them, they are insolvent. Another thing that I desire to call your Honor’s attention to is [346] that we are now ready to proceed to offer testimony in support of our application for injunction and receiver in the case that your Honor has held that the Court had jurisdiction of, and that will in large measure cover the other cases.

“Mr. DUNNE.—We don’t care anything about that case.

“Mr. PIER.—I was going to say this: there is no—with reference to the status of this property in the Devil’s Den case, there is a stipulation between counsel for the Government and counsel for the defendant that the money is to be deposited—the proceeds of the sale of oil—is to be deposited in the Crocker National Bank: that has been made with the approval of the Court. So there is no question but that the Government is amply protected so far as the Devil’s Den case is concerned. As regards the Lost Hills, the same procedure is being followed without an order of the Court. We are perfectly willing to take an order of the Court upon it in the meantime. As regards A-57, the property is not being operated. Not one drop of oil is being taken out of it. The well has been closed down for the reason that it is not sufficiently productive to transport oil for the distance oil has to be transported from the well in A-57. Now, these properties have been examined by the Government. Government agents have gone upon them and they say that they are as well operated as any oil wells possibly can be.

“Mr. JUSTICE.—Whom do you mean?

“Mr. PIER.—Your special agent, Mr. Jensen, who says they are being operated as economically and efficiently as possible. That does not appear before the Court, but you can ask your own agents about that suggestion, for the simple reason that Mr. Jensen in informal conferences with us and with other agents has agreed to that.

“Mr. JUSTICE.—I have investigated and found that the [347] property is being greatly damaged by water; at least, that is the Government’s position—that they are being damaged by water. The stipulation that Mr. Pier refers to is not adequate to protect the Government. It was entered into on the part of the Government because nothing better could be gotten at that time, and we had to agree on what we could get the other side to agree to. But it is not adequate, and, therefore, it was provided that it was without prejudice to the Government to press its application for a receiver at any time, and was to be in force pending the decision of the Court upon the application for injunction and for a receiver.

“Mr. PIER.—And we have been operating under it for some ninety days, and at the time that thirty-day additional time was put in effect in view of the fact that we have operated three years before suit was brought, it would not be a material injury to the Government at this time.

“The COURT.—So far as 57 is concerned, I suppose if there is any order necessary at all—

“Mr. JUSTICE.—I should like, your Honor, to have a receiver appointed to take the property over, to investigate it and shut off the water.

“The COURT.—In 57?

“Mr. JUSTICE.—Yes. That is one of the serious questions.

“The COURT.—You don’t want a receiver appointed to open up and operate the property?

“Mr. JUSTICE.—Oh, no. I want the receiver appointed for the purpose of preserving the property.

Of course, if the receiver should see that it was necessary to do some unusual thing that is now not anticipated, we would lay it before the Court.

“Mr. DUNNE.—If the Court please, I am advised that we will not consent, and do not wish to be put in the attitude of [348] consenting, to a receiver in 57. But with that case I am not very familiar. Mr. McWilliams is.

“Mr. McWILLIAMS.—The point we desire to make in that case is that the complaint is insufficient to justify the Court in appointing a receiver or granting an injunction to the plaintiff. I take it that it is possibly a little premature to make the suggestion, but I simply don't want your Honor to be under any misunderstanding as to our attitude with reference to that particular case.

“The COURT.—Well, take up 57 this afternoon, and we will hear what counsel has to say about it.

“Mr. HALL.—That entails offering all the proofs in all the cases, and we will proceed with it.

“The COURT.—So far as the testimony is applicable in the three cases it will be so considered by the Court if it hereafter holds that it has jurisdiction.

“Mr. DUNNE.—Your Honor will not require us to put in testimony in 52 and 37 on this question of injunction and receiver? We could go along with A-57, and we will stipulate that the evidence may be considered and used by the Government in the event that the question should come to a hearing if your Honor should determine that you have jurisdiction.

“The COURT.—I will determine later to what extent the hearing will go.”

Thereupon the Court adjourned until 2 o'clock P. M.

At 2 o'clock P. M. the following proceedings were had:

"The COURT.—I might say before you begin that I have concluded that under the circumstances I will hear the application for receivers in all three of the cases. You are dealing now [349] with 57?

"Mr. HALL.—All three are intermingled. It applies to all.

"The COURT.—There is 57, 52 and 37?

"Mr. McWILLIAMS.—I might suggest that being under the impression that what your Honor stated before the adjournment was that evidence would be limited to A-57 and only used in the other cases in the event that your Honor subsequently decided against the point that has been raised, we have not prepared ourselves to proceed this afternoon and have not brought our papers with us, or any of our evidence that we had expected to eventually use on the hearing.

"The COURT.—I suppose that the Government can occupy the time this afternoon.

.
"Mr. HALL.—The Government offers as its Exhibit 'A' in all three cases, A-37, A-52 and A-57, the stipulation entered into or agreed to be entered into between counsel for the respective parties.

"Mr. DUNNE.—It will be understood, if your Honor please—I don't want to embarrass by interrupting Mr. Hall—that the taking of testimony is

subject to our objection that the Court is without jurisdiction.

“The COURT.—Oh, certainly.

“Mr. McWILLIAMS.—And all these exhibits will come in subject to our objection that the Court has no jurisdiction.

“The COURT.—Oh, yes. [350]

“Mr. HALL.—This stipulation has not been signed, but it has been gone over by Mr. Pier and myself and Mr. McWilliams, and it is offered as much for you as for us.

“I want this evidence to come in in all the cases, and I presume that your Honor will be prepared to pass on the receivership in this matter in 57. I wanted to go on that assumption, so I will not take the time to read this stipulation in its entirety, because it deals with the Land Office proceeding with respect to the application for patent in 37, the Devil’s Den case, and in A-52. It touches nothing whatever in regard to A-57, the Southwest quarter of 18, with the exception of the contracts which were entered into between the original Lost Hills locators and certain parties for the development of the property in question. These contracts are practically as follows: On December 19, 1908, the locators of all of this group of claims, both in 37, 52 and 57, who were practically the same people all the way through, entered into an agreement with a man named Charles W. Barrett on December 19, 1908, for the development of twenty-three claims which had been theretofor located or attempted to be located, as

the Government claims, by reason of the so-called gypsum discovery.

“Mr. DUNNE.—Are you stating something from the stipulation?

“Mr. HALL.—I am stating in substance what the contract was with Barrett. And that that contract is attached to and made a part of this stipulation.

“Mr. DUNNE.—Who were the contracting parties?

“Mr. HALL.—The other contracting parties were the locators of these twenty-three claims who composed afterwards the stockholders of the Lost Hills Mining Company and the Devil’s Den Company, who are the persons who claim these claims under the so-called [351] gypsum locations.

“The COURT.—Isn’t this one of the cases in which testimony was taken the other day?

“Mr. HALL.—Mr. Jensen’s testimony was taken in the Devil’s Den case and in 57, and I have a copy of another deposition of his that I am going to offer in 52.

“Mr. DUNNE.—And it is stipulated that his cross-examination shall apply to 52?

“Mr. HALL.—Yes.

“Mr. McWILLIAMS.—I would like to interpose another objection in this and in all the cases to this exhibit on the ground that the complaints in each of the three cases are insufficient to justify the Court in appointing a receiver or giving an injunction, and insufficient to justify the Court in receiving any evidence under the complaints in each of the cases.

“The COURT.—Overruled.

“Mr. McWILLIAMS.—Exception.

“Mr. HALL.—Plaintiff offers in evidence in A-52 the deposition of Mr. Joseph Jensen, together with the exhibits thereto attached. That is the deposition taken in 52 before the Land Office.

(The deposition of Joseph Jensen taken in the case of United States of America vs. Devil's Den Consolidated Oil Company, A-37 and in United States of America vs. Lost Hills Mining Company, A-52, and in United States of America vs. Lost Hills Mining Company, et al., A-57, offered by plaintiff, taken on the 21st day of August, 1916, before the Honorable Robert S. Bean, is as follows:) [352]

San Francisco, California, August 17, 1916,
2 o'clock P. M.

Testimony of Joseph Jensen, a Witness on Behalf of the Plaintiff, Taken, by Stipulation of Counsel, in Advance of the Hearing Set for Monday, August 21, 1916.

JOSEPH JENSEN, a witness called on behalf of the plaintiff having been first duly sworn, testified as follows:

Direct Examination.

(By Mr. HALL.)

The WITNESS.—My name is Joseph Jensen. My home is in Salt Lake City, Utah. My occupation is mining engineer and geologist. At the present time I am employed in the United States General Land Office, field service, as a mineral inspector. I entered the service of the government in August,

(Testimony of Joseph Jensen.)

1908, and have been continually of record since that time, but for three years I was on a leave of absence, so that I have had five years of service.

I am a graduate of the State School of Mines of the University of Utah, with the degree of Bachelor of Science in mining engineering. I also did post-graduate work at the Royal School of Mines at Freiburg, Germany, and have a Master's degree from Columbia University, New York City, in geology and mining.

At this time I am contemplating a change in my employment. As soon as this deposition is finished I am going to Pittsburg to arrange to take the position of assistant professor of mining in the Carnegie Institute of Technology.

I have been engaged in the practicing of my profession as a mining engineer since 1906; about ten years.

Q. In what countries have you been engaged in practicing your profession? [353]

A. Well, in the western states of the United States principally; but I have also traveled and studied in many countries in Europe—in Austria, Germany, Belgium, England, Scotland, Wales and Saxony, and in various provinces in the Prussian kingdom.

The WITNESS.—(Continuing). I have made a particular study of gypsum. My work with regard to gypsum in the United States has been principally in the State of California, but I have also worked in Utah and New Mexico, and have come in contact with deposits of this character.

(Testimony of Joseph Jensen.)

Q. How long have you been engaged in making a particular study of deposits of gypsum?

A. Well, it would be hard to segregate the time for a period, because mineral deposits are all inter-related. The methods of mining are much the same and the methods of treatment are much the same. I have been familiar with gypsum deposits, and have examined gypsum deposits as far back as 1908, but it would be hard to segregate out and specify what training applied specifically to gypsum because the subject-matter is inter-related.

The WITNESS.—(Continuing.) During the time that I have been engaged in pursuing my profession, I have given more or less attention to the subject of gypsum, particularly in this California work since I came to California in 1913. During my experience in California I have studied the oil situation and the deposition and production of oil—petroleum. I have made a study of the entire gypsum situation. Considering the geologic features, as to its mode of occurrence, its relation to other gypsum products, and also the commercial features connected with its development and utilization. That study, in connection with the commercial features, embraces the question of the cost of production and transportation and so forth. [354]

Gypsum is a rather common substance. We know it best as alabaster, a white substance from which statuary is carved. It is soft and can be scratched with the finger-nail. I refer to alabaster, not because it is of common usage, but because the layman

(Testimony of Joseph Jensen.)

is most familiar with it in this form. If gypsum is heated and one-fifth of its weight is lost by driving off the water, we get the substance called plaster of paris, which has the property of taking up water again and really forming a compound of gypsum, or a related mineralogical compound. The chemical composition of gypsum is scientifically known as Anhydride Calcium Sulphate; CaSO_4 plus $2\text{H}_2\text{O}$.

Q. How is gypsum usually deposited in the earth's surface, and from what sources does it come?

A. Gypsum is a mineral which is deposited from solutions during the period of desiccation of a lake. It is essentially mineral which is deposited under arid conditions, as, for example, lakes in the Great Basin. Thus Rush Lake, in Central Utah is a lake which alternately goes dry and then fills up again so that borings through the bottom of the lake disclose layers of mud and layers of gypsum. Gypsum being less soluble than ordinary common salt, it is deposited before common salt is deposited. It is deposited laid down in shales and ordinarily in salt formations or formations that may contain salt. Most invariably they contain gypsum, as, for example, the Strassfurt deposits in Germany. There are several layers of gypsum connected with the salt deposits. In some cases the gypsum is deposited in very pure form so that it is practically 100 per cent pure; in other cases the gypsum will be deposited with the muds and clays in a dry lake. For example, a freshet will fill the lake with mud, and as it dries up the gypsum will be crystallized in the mud, and in a diffused form, so

(Testimony of Joseph Jensen.)

that the mud merely contains a few gypsum crystals.
[355]

Q. I understand pure gypsum, in its native state, is usually composed of large crystals and is in a regular crystallized form, is it not?

A. This way: If a pure chemical compound gypsum were given a free space in which to crystallize it would form a crystal but as it occurs as rock gypsum these crystals have not had the opportunity of development, but the entire mass is compact and very much like a rock; perhaps like rock salt, although not so transparent.

Q. Is the occurrence of gypsum in the earth's crust usually associated or ever associated with the part of the earth's crust which usually bears petroleum and oils of that sort?

A. There is no relationship between the two. It is merely a coincidence that gypsum and gypsite occur on the surface of oil lands in California.

Q. Does the occurrence of gypsum or gypsite on the surface of the earth in California indicate or form a basis for any conclusion or deduction that there is a deposit of petroleum beneath that layer of gypsum?

A. None whatever, for the reason that the conditions which made the deposition and the accumulation of petroleum possible existed prior to the time the surface deposits were formed.

The WITNESS.—(Continuing). The oil sands of California were laid down in the Eocene and Miocene age. This surface gypsum that is usually found in the State of California is either Late Miocene or

(Testimony of Joseph Jensen.)

subsequent to that in age.

Q. (By Mr. DUNNE.)—I suppose he wants to know whether the gypsum is younger or older?

A. Well, gypsum is younger.

Q. (By Mr. HALL, Resuming). What is gypsite? [356]

A. The dividing line between rock gypsum and gypsite and gypsiferous earth and earth containing gypsum crystals, is somewhat difficult to draw all the way through. However, the term rock gypsum is confined to a compact gypsum which occurs in a rock-like form, and when mined breaks into rocks forming compact masses. Gypsite is always a secondary deposit, that is, a secondary accumulation. In Kansas and Texas the gypsite there has been derived from the leeching of a bed of rock gypsite, and its deposition. These beds of rock gypsite are extremely pure, and consequently the gypsites derived therefrom are also extremely pure. The deposits of California have been derived from the concentration of impure gypsiferous earth, so that, originating from an impure product, it is still impure. Essentially, however, a cubic foot of rock gypsum is heavier than a cubic foot of gypsite, and as the gypsite is more porous and flocculent, it consequently occupies a larger space for the same tonnage. The dividing line between gypsite and gypsiferous earth as these two substances occur in California must more or less be arbitrarily drawn. I have considered gypsiferous earth to mean material which is more than 50 per cent earth, and gypsite is very much the same

(Testimony of Joseph Jensen.)

but contains from 50 to 60 per cent gypsum. However, the gypsites of Kansas—with which the gypsites of California should not be confused—do run as high as 90 to 95 per cent gypsum. The occurrence of gypsite and gypsiferous earth in the field makes a more or less arbitrary distinction by the eye necessary, for in these concentrations of gypsite from gypsiferous earth or earth with gypsum crystals the whole phenomena is an extremely superficial one, the concentration merely occurring on the top of the gypsiferous earth when the gypsiferous earth happens to be outcropping on the surface of the ground—on the surface of the hill; so that if you come to a deposit of gypsite the top of [357] it will be the purest, and gradually as you go to the bottom you will come to gypsiferous earth. Any layman can recognize that the top of the layer is more cream-color, and dirt-brown, and white and richer than the gypsiferous earth beneath. As you approach the line, even within a matter of a foot or a foot and a half of where the two come together near the middle of the section, you must finally draw the line and call that above gypsite, and that below gypsiferous earth.

Q. Is gypsite used commercially?

A. Gypsite of Kansas being 90 to 95 per cent pure, has been used commercially back in the nineties, but the deposits are pretty well exhausted though there may still be some use for it. There is no objection to the use of gypsite provided it is pure enough.

THE WITNESS—(Continuing.) All gypsum products used in the market and in the trade that are

(Testimony of Joseph Jensen.)

able to meet competition and represent a common, ordinary commercial practice must be products that contain from 80 to 90 per cent gypsum. That does not mean that the deposit in the ground must be this pure, for the reason that mining will often reduce the purity of the product so that you might have to have a 90 per cent gypsite in the ground in order to get an 80 per cent commercial product.

Q. Is gypsiferous earth of such purity that it can be used economically in the trades?

A. Not at all. Being less pure than the gypsite, and only containing less than 50 per cent of gypsum, it has no value whatsoever.

Q. You say in mining gypsite frequently the purity of the rock itself as it is deposited is reduced by the mining process. Will you explain that briefly to the court? [358]

A. The deposits of gypsite are usually superficial and thin. In many cases they are underlain by earth and also overlain by earth. The upper and lower surfaces of this thin superficial layer of gypsite are not regular; it is not a smooth plane, like the floor, but is irregular and wavy in character. Any attempt to excavate with the plow and scraper would necessarily mean that as the plow runs along, the toe of it will dig into the hard crust of gypsite and will split up the gypsite, letting the earth fall beneath it. Then, in addition, where there are hard shells in the surface of the gypsite the scraper will ride on the high places and leave soil on the low places. Now, if you conceive of a layer of one foot

(Testimony of Joseph Jensen.)

thickness of gypsite, and imagine that with a plow and scraper a man is able to work as close to the layer of gypsite without contaminating the gypsite as three-quarters of an inch above, and also as close as three-quarters of an inch below, on this one-foot layer, we then have three-fourths of an inch of soil, a foot of gypsite, and three-fourths of an inch of material from below. So that in this total thickness of thirteen and a half inches, one and a half inches is soil. That would mean one-eighth of the thickness excavated would be impure material. So that, roughly, you may expect that mining such an impure bed will introduce from ten to twenty per cent of foreign material.

The WITNESS.—(Continuing). I have made an examination of deposits of gypsum, gypsite and gypsiferous earth that occur in the region in California known as the Lost Hills, and particular in Township 26 South, Range 21 East, and also to the north. My first examination was made in January, 1914. I also made examinations in October and November, 1914, in October, 1915, and in March, 1916.

Q. In making your examinations, what facts or phenomena do you take into consideration in determining whether or not land [359] that contains gypsum is subject to entry under the mineral land laws or under the agricultural land laws?

A. The tests applied regarding gypsum are the same tests that I apply regarding all other substances when the question of mineral discovery is involved. Gypsum may be considered to occur in two forms—

(Testimony of Joseph Jensen.)

as a lode deposit and as a placer deposit. Now, in general, the test between a lode and placer deposit, which I apply, is this—that the lode deposit requires, specifically, for its acceptance, the occurrence of a vein or lode, and as to the value and mineral character of it, I do not follow this deeply and further for the reason that the lode claim is essentially a claim of hope; that is, we accept it for what it may become, for what the geology of the country promises it may be in value; but in the case of a placer claim the test is essentially different. The test which I make is that the placer claim is accepted for its present value, for what it is, as I find it on the day of my examination as it has been proven and developed by the claimant. So that this element of hope and of possibility and of future prospects is entirely lacking in the case of a placer deposit, where as it is a rather important feature in the case of a lode deposit. You take a gold vein, if you have a well-defined vein no one can tell how much gold may be expected beneath it; but in a placer deposit we look for present facts rather than hopes. And an additional test, I believe, is this—that the mineral substance under examination must be such a one that products can be produced from it which will be of such character and purity and value as to meet the ordinary demands of trade. That is, with regard to gypsum deposits specifically, I expect the gypsum deposit to be such a one as will produce a gypsum product containing from 80 to 90 per cent gypsum in the manufactured article offered for sale. The other

(Testimony of Joseph Jensen.)

element to consider in this connection |[360] is this—that for non-metallic substances, such as glass, limestone, building-stones, gypsums and allied substances the element of exceptional quality and special value must be present in order to satisfy the test which we apply in field work in accepting a deposit.

Q. How widely is gypsum deposited over the region of the Lost Hills in California?

A. The gypsite which occurs in the Lost Hills, and the gypsiferous earth, occurs throughout the Lost Hills.

The WITNESS.—(Continuing.) The Lost Hills are some six or eight miles long and possibly half or three-quarters of a mile wide. The formation which composes the Lost Hills consists of lenses of gypsiferous earth. Some of these outcrop on the surface, and where they have outcropped on the surface, there has been the formation of superficial gypsite deposit. That superficial gypsite deposit is produced pretty much the same way throughout the State of California and all along the coast hills and through the anticlinal ridges that parallel the Temblor and Diablo ranges through a district of 150 by 15 miles. There is a belt about that wide and about that long. And some of the formations in this belt consist of slight lenses of gypsiferous earth. Where one of these lenses of gypsiferous earth has outcropped on the surface there has been a secondary action taken place by which the rain waters have worked into the gypsiferous earth and dissolved the gypsum and carried it towards the surface, and then

(Testimony of Joseph Jensen.)

the water has evaporated and left the gypsum behind. These gypsite crystals have formed what I describe as gypsite or amorphous gypsite.

The result, then, is that the amorphous gypsite which is brought to the surface by capillary attraction is always richer than the gypsiferous earth from which it was produced; that is always [361] the case.

I have made a specific examination of the northeast quarter of section 30 in township 26 north, range 21 east. I have been on this tract of land in January, 1914, for about two days; in October, 1914, for three to five days; in October, 1915, for about a day and a half; in March, 1916, for about three or four days. I presume I have spent from eight to ten days on this quarter section. My examination was directed almost wholly to the character of the gypsite deposits occurring on that quarter section.

Q. During any of these visits have you examined the land with respect to the petroleum that may be contained within it?

A. That was even more self-evident than the occurrence of gypsum, because of the numerous oil wells.

The WITNESS—(Continuing.) I have prepared a sketch map of the northeast quarter of section 30. The map which you now hold in your hand is it.

Q. How were all of the different points indicated on this map tied in by you?

A. They were all located by a careful and accurate survey from the marked corners of the claim. With

(Testimony of Joseph Jensen.)

regard to the location of some of the oil wells, where they were only short distance from the ten-acre lot I have indicated on the map, I repeated my work as much as three or four times to confirm the location.

Q. Did you use any instrument in making your surveys? A. A transit.

Q. Did you start from any published surveyed cornerstone or monument?

A. The corners of the claim were identified to me by Mr. W. L. McLean, who was at that time superintendent of the property, and Mr. Bush, general manager of the property, also [362], identified corners of the claim for me.

Mr. HALL.—We offer this evidence as Plaintiff's Exhibit No. 1 for the purpose of illustrating the testimony of the witness.

(The document above offered in evidence is in the words and figures following, to wit:) [363]

737-69

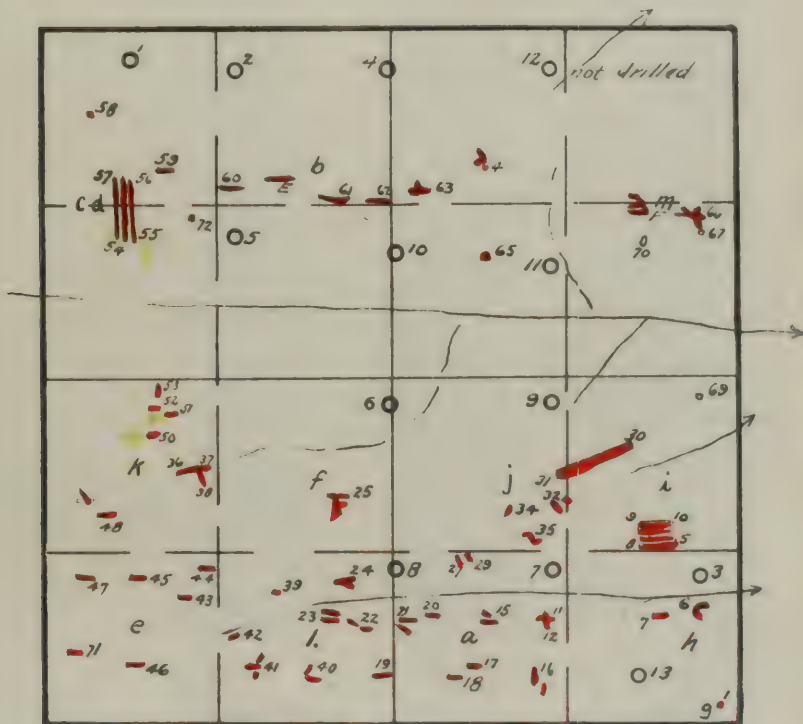
S. W. Davis and Conrad Oil Co. et al
 Offs-Exhibit No. 1 Filed Aug 17th 1916.

W. Van Dyke Clerk

J. J. Green Deputy.

CONSOLIDATED PLACER

NE 1/4 SEC 30, T26S-R21E.



Scale 1 inch = 660 feet

- No gypsum exposed
- Natural exposure of gypsum
- Gypsum developed by assessment work or otherwise

01-13 Oil wells

a-m, 60, 64 Points where gypsum was noted

a-m, 60, 64 Points at or ten acre lots on which samples were taken.



(Testimony of Joseph Jensen.)

Q. (By Mr. HALL.) Referring to Plaintiff's Exhibit No. 1, I will ask you to describe to the Court the topography of the northeast quarter of Section 30, 26-21.

A. This map is the same as the original which I made in the field, and have in my note-book, to which I am referring now.

Q. (By the COURT.) That is, just a map of the quarter section?

A. Just a map of the quarter-section, divided into ten-acre lots. Each of the little squares is a ten-acre lot. The claim rests on the top or crest of the Lost Hills. In this vicinity the Lost Hills rise possibly 100 feet or even less, above the level of the floor of the San Joaquin Valley, and merely represent a slight roll. Through the south half of the north half of the quarter section there is a gulch which runs—

Q. (By Mr. DUNNE.) Are you reading from something?

A. No; I am merely referring to the map. I was just referring to the sketch map.

The WITNESS.—(Continuing.) The sketch map that I have in the book in my hand is a copy or the original from which Plaintiff's Exhibit No. 1 has been produced. And this map was made on the ground at the time of the examination in the field and completed there.

The Lost Hills have a northwest-southeast direction, and the gulch which I have referred to as existing in the south half of the north half of this claim

(Testimony of Joseph Jensen.)

runs approximately east and west. This gulch is from 50 to 75 feet deep. The remainder of the claim is practically level, occupying the table portion of the crest of the Lost Hills. However, there are slight inequalities in elevation of this claim, and some small swales and gulches. I have indicated, for example, in the south half of the south half of the claim a [364] slight depression or gulch or swale which runs also from east to west. There are other similar small gulches or swales that drain into this main gulch, so that the claim is spotted with slight elevations and slight depressions.

This particular quarter section of land is about 25 miles from the railroad. The station which is connected up by a road, and which is used entirely, is Wasco on the Atchison, Topeka and Santa Fe Railway. There might be a shorter distance to the McKittrick branch of the Southern Pacific but there is no road connecting it, and the country would be more impassable than the route to Wasco. The route to Wasco is the only route that is used.

In my examinations of the land in question I have taken samples to ascertain the quantity and the quality of the gypsum, gypsite or gypsiferous earth that may be deposited on it. When I first went into the Lost Hills I found that the deposits had been opened up by a number of trenches, and thinking that the gypsite would be uniform in character, for the first two days I took my samples immediately from the side of the trench, but as my work developed, I found that that work done during the first two days was

(Testimony of Joseph Jensen.)

based upon an incorrect assumption for the reason that there is a slight and very superficial veneer and concentration of the gypsite on the face of the trench in a period as small as two years, as I have discovered since that time. In order, therefore, to secure a sample which was representative of the gypsite I found that it was necessary to make my cut from a foot and a half to a foot back from the face of the trench. In this way I went behind this very recent concentration and secured a representative sample of the virgin material. Where there was a nest of cuts or trenches made I would make from one to two cuts in each trench and very carefully exclude all surface soil from above and all earth from [365] below. In addition to this fact I often found that the gypsite contained balls or spheres or irregular masses of pure earth. But in taking my sample I was careful always to exclude such material from the sample.

Q. In taking your samples vertically, did it constitute portions of the gypsite as well as the gypsiferous earth?

A. I endeavored to make my sample include only what I would call gypsite because the gypsite was richer always than the gypsiferous earth and would represent the best material on the claim.

Q. In making your sample, did you ascertain whether or not you had completely penetrated or that the opening in which you had taken your sample had completely penetrated through both the gypsite and the gypsiferous earth?

(Testimony of Joseph Jensen.)

A. Most of the trenches that had been constructed had gone entirely through the gypsite layer and down into the gypsiferous earth and even penetrated the gypsiferous earth, so that in most cases this work had already been done. But, where necessary to determine that question I did extend the work to make sure that I had secured a sample of all of the material.

Q. So that you went completely vertically through all of both of the gypsite and gypsiferous earth before you took your samples?

A. That is, I made my inspection through that material; but having made the inspection, I limited my examination to the gypsite and excluded the gypsiferous earth because that would contaminate the sample.

Q. Why did you eliminate the gypsiferous earth from your sample?

A. Well, at the time I made my examination, I was making my examination to determine whether I should report favorably or [366] adversely on the claim. At that time I only had the one object in view of discovering what the true situation was and took my samples for the purpose of securing the best material on the claim.

Q. How large a sample would you take from each place?

A. In taking a sample from a ten-acre tract—most of my samples were taken in this manner, to represent ten-acre tracts—I often took a sample which would weigh as much as 150 pounds, and it would be

(Testimony of Joseph Jensen.)

taken from as many as 20 or 25 cuts that might be found in from six to twelve trenches, so that the sample, when originally taken, was a large one, a very large one. A 150-pound sample is a very large sample. Now, in the field, I had with me a canvas, and after taking the 150-pound sample I broke all of the lumps of material so that I reduced everything in the sample to very small size. Then, after thoroughly mixing it by rolling it back and forth on the canvas I would assemble it in a pile and divide it into four quarters. The two opposite quarters I would retain for my sample and the remaining two quarters I would reject. After having done this, I would again break the material down to a small size and repeat the operation of quartering, and I continued to do this until I had a small sample weighing possibly four or five ounces or a pound, and by that time the sample was thoroughly pulverized, so that there were no large lumps in it at all. It was really a fine powder.

The WITNESS.—(Continuing.) After that I placed it in a sample sack and marked it for identification, and at the same time made a note thereof in my note-book. Those samples were ultimately analyzed by different chemists in San Francisco and by a chemist in Riverside.

Q. What care, if any, did you exercise in handling those samples between the time they were prepared in the field and the time [367] they were delivered by you to the chemists in order to keep them from contamination or tampering?

(Testimony of Joseph Jensen.)

A. Well, the samples were taken in paper sacks and then the paper sack was sealed by folding over the top of it and bending back the edges. It is a special type of paper sack that we have in the land office. And then in handling these samples for transportation, I took the precaution of wrapping each one individually in several thicknesses of newspaper and tying that with a string so that each sample was in the same sack, and then in this wrapping of newspaper, so that if the sample broke it would still be retained in the newspaper. None of the samples broke, however. It was just a precaution I took to make sure that any of my work would not be lost.

The WITNESS.—(Continuing.) All together I took 15 samples from the northeast quarter of section 30. I had all those samples examined by chemists. I have a record of the analyses as returned to me by the chemists. I have their original returns here. These samples were determined by Curtis & Tompkins, and here is their original certificate (producing paper). The Smith, Emery & Company samples are contained in this certificate here, and the Coffman samples, which constituted the bulk of them, nine of them, are contained in this third certificate here. That is the original signature of Mr. Coffman. These are the originals, with the seal of Smith, Emery & Company. Those with the "D" in front of them represent the four from the Devil's Den. They constitute a large number of the samples all together.

Mr. HALL.—I will ask the Clerk to mark Plain-

(Testimony of Joseph Jensen.)

tiff's Exhibit No. 2 the copy of the report of Curtis & Tompkins, and we now offer in evidence exhibit 2 identified by the witness as being a report from Curtis & Tompkins showing the analysis of certain samples taken from the land in controversy. [368]

(Plaintiff's Exhibit No. 2 is in words and figures following:) [370]

Plaintiff's Exhibit No. 2—Report of Curtis & Tompkins, Showing Analysis of Samples Taken from Land in Controversy.

COPY.

CURTIS & TOMPKINS,

Analytical,

Industrial and Consulting

CHEMISTS.

108 Front Street, Northeast Corner Pine.

Laboratory No. 22037/8.

San Francisco, Feb. 9, 1914.

Joseph Jensen.

We have examined your sample of Gypsum (2 Samples) Received 2/6/14 Marked AS below and found the samples as received to give the following results:

ANALYSIS.

| | #22037 | #22038 |
|---------------------------------|-------------|----------|
| | J—10 Gyp. 2 | C—14 |
| Sulphur Trioxide | | |
| (SO ₃) ... (18.03%) | | (34.33%) |
| As Gypsum (CaSO ₄ , | | |
| 2H ₂ O) | 38.75% | 73.80% |
| Insoluble | 43.36% | 19.68% |
| Undetermined, etc..... | 17.89% | 6.52% |
| Total..... | 100.00% | 100.00% |

[Seal] (Sgd.) CURTIS & TOMPKINS,
Analytical & Industrial Chemists. [371]

Mr. HALL.—We ask that the report from H. Coffman be marked Plaintiff's Exhibit 3; and we now offer in evidence the paper which has been identified and marked Plaintiff's Exhibit 3.

(Plaintiff's Exhibit No. 3 is in words and figures following:) [372]

**Plaintiff's Exhibit No. 3—Report from H. Coffman,
Showing Analysis of Samples Taken from Land
in Controversy.**

Laboratory 220 Loring Block,
Riverside, Cal.

April 3, 1916.

Mr. Joseph Jensen, Mineral Inspector.

Department of the Interior,

General Land Office,

San Francisco, Cal.

Dear Sir: The following are the analyses of mine samples received March 26th. The Sulphuric-

anhydride (SO_3) was determined on the moisture free sample and calculated to per cent pure gypsum, $\text{CaSO}_4-2\text{H}_2\text{O}$.

| Sample. | | | | % Gypsum. |
|---------|----|---|-----|-----------|
| J | 12 | e | 142 | 66.13% |
| J | 12 | f | 133 | 63.65 |
| J | 12 | g | 142 | 44.52 |
| J | 12 | h | 142 | 49.43 |
| J | 12 | i | 142 | 46.44 |
| J | 12 | j | 142 | 59.83 |
| J | 12 | k | 137 | 60.52 |
| J | 12 | l | 137 | 62.54 |
| J | 12 | m | 123 | 57.60 |

Respectfully submitted,

H. COFFMAN,

Consulting Chemist & Analyst. [373]

Mr. HALL.—Will the clerk mark as exhibit No. 4, certificate from Emery, Smith & Company? And we offer in evidence the paper which has been identified and marked as Plaintiff's Exhibit 4.

(Plaintiff's Exhibit No. 4 is in words and figures following:) [374]

**Plaintiff's Exhibit No. 4—Laboratory Certificate of
Smith, Emery & Co.**

Laboratory Certificate,

SMITH, EMERY & COMPANY,

Inspecting, Testing and Chemical Engineers
and Chemists,
San Francisco.

Date, December 8, 1914.

Laboratory

No. —

Sample Gypsum

Received November 28, 1914 Marked as below

Submitted by Department of Interior,

General Land Office,

512 Custom House,

San Francisco, Calif.

Mr. Joseph Jensen, Mineral Inspector.

DETERMINATIONS.

| Lab. No. | Mark. | Sulphuric Anhydride (SO_3) | % of Gypsum Calculated by Jensen. |
|----------|-----------|---------------------------------------|---|
| 31585 | *J12a 130 | 30.00% | 64.52% |
| 31586 | *J12b 135 | 25.44% | 54.71% |
| 31587 | J12c 144 | 27.09% | 58.26% |
| 31588 | J12d 145 | 35.25% | 75.81% |

Respectfully submitted,

[Seal]

SMITH, EMERY & CO.,

Chemists and Chemical Engineers.

(In ink:)

*Average thickness 12 inches, covering about 5 of
the 10 acres.

*Average thickness [375]

(Testimony of Joseph Jensen.)

The COURT.—There are 17 samples all together, are there?

The WITNESS.—Yes.

Q. (By Mr. HALL.) What was the result of the analysis of those 17 samples as to the quantity of pure gypsum contained in them?

A. These samples show that the gypsum contained in the various samples varied from 38.75 per cent up to 75.81 per cent of the material, but, of course, as I have explained with regard to my method of sampling, the se samples represent a selected segregation and are indicative of the true character of the bed as it existed in the earth and are not representative of the material that would be mined from the bed.

The WITNESS.—(Continuing.) They are not characteristic or indicative of the material that would be mined from the bed because, as I have explained with regard to the mining in a thin bed of gypsite, a certain amount of earth from above and earth from below and earth inclusions, or earth balls within the gypsite will necessarily be mined with the gypsite when it is taken from the earth; but in sampling I had time and took time and exercised care so as to make my sample only of the gypsite itself, excluding the soil above and the earth below and the earth-balls within, so that a deduction of at least one-tenth, or from 10 to 20 per cent, must be allowed for the contamination of the product in mining. Approximately [376] that.

Q. (By Mr. DUNNE.) Leaving a 90 per cent residuum?

(Testimony of Joseph Jensen.)

A. For example, take the sample which runs 66.13 per cent gypsum. Now, the mine product secured from that would run about 55 or 60 per cent gypsum.

And the sample which contains 75 per cent gypsum, the mine product would contain possibly 65 to 70 per cent gypsum.

Q. Well, haven't you said repeatedly in your testimony in the Lost Hills case that the deduction would be about one-tenth? Didn't you say that over and over again and ring the changes on it?

A. Certainly.

(Mr. Hall resumes.)

The WITNESS.—(Continuing.) I made an examination of each ten-acre tract on the northeast quarter of section 30 in order to determine the amount of gypsite therein deposited, and the quality of such gypsite.

Q. I wish you would take the map which has been marked Plaintiff's Exhibit No. 1, together with your statement of the chemical analysis as furnished by the chemists, and your notes which, I understand, were made in the field at the time, and tell the Court the result of your examination as to the quantity of gypsite and as to its purity, that you found in each particular ten acre subdivision on this northeast quarter of Section 30.

A. (Examining records.) Handling first the question of the quality of the sample and the place from which it was taken: If you will notice the Smith, Emery & Company and Coffman certificates, you will notice that they are characterized by the capital

(Testimony of Joseph Jensen.)

J 12 and then there is a letter followed by a number. Thus: a, b, c, d. Now the letter in the certificate, a, b, c, d, e, f, g, h, i, j, k, l; m; which is my marking on my sample, corresponds with the letter which you will find on the map. Thus, in the ten-acre [377] lot, the southwest of the southeast of the northeast of Section 30, you will find letter "a" written on the map in the center of the ten-acre lot. Now, sample "a" was taken from the ten-acre lot on which it is marked on the map, and it contains 64.52 gypsum as taken. But, of course, in considering the mined product, the proper deduction would have to be made.

The WITNESS.—(Continuing.) The average thickness of that deposit of gypsum on the southwest of the southeast of the northeast of 30 was 12 inches, of the gypsite layer. That was not an average thickness for the surface of the entire ten acres. You will understand that on this ten-acre tract the small red marks with the numbers by them, represent trenches and improvements which are found on that ten-acre tract. Now, in each of these trenches I made from one to two cuts and took a sample across the layer of gypsite exposed in each of these cuts, and combining that sample from all of the trenches into one composite sample, I secured my final sample a. Now, the average which I give you, the thickness, is the average of several measurements I made in the various trenches, and the average sample is the result of this large composite sample of possibly 100 pounds.

Q. Can you tell us how widely diffused over the

(Testimony of Joseph Jensen.)

surface of this ten-acre tract was this deposit of gypsum?

A. The trenches have usually been placed on the small elevations which I mentioned a short time ago in calling attention to the fact that the claim consisted of small elevations and small depressions. I wanted to bring out the fact that the gypsite occurs on the elevations and that depressions are not favorable to the occurrence of gypsite. Now, these various trenches which you find have been placed on the elevations so that each trench represents more or less a small elevation in which the gypsite has occurred, [378] but the occurrence is more extensive on the south side of the small gulch which I have indicated. It is extremely difficult to make any satisfactory estimate of the occurrence of this superficial deposit, because in the same trench the material cuts in and cuts out. That is, in one end of the trench, there will be some gypsite, and in the other end there will be none. Of course, in taking my sample, I took the sample from the occurrence of the gypsite, and where there was none present I took no cut to include in my sample. The trenches, therefore, would represent the positive development of the gypsite. Each of these trenches is approximately 25 to 30 feet long, and about two and a half to three feet wide, and may be a foot and a half to two feet deep. But, of course, in making an estimate a person would enlarge over the area of these trenches and extend it beyond the side of the trenches.

Q. You do not mean to say, then, by that state-

(Testimony of Joseph Jensen.)

ment, where there was an average thickness of 12 inches of gypsite, that that layer of gypsite extends entirely over the entire ten-acre tract?

A. By no means. On the contrary, the 12-inch thickness which I am giving you the average of is merely the thickness which occurred at the various points where I took my sample. And in some cases the deposit will not extend over the one-hundredth part of the ten-acre tract; but I have given the thickness of the bed in order to show how thin the superficial deposit was.

Q. Now, go to your next sample, sample b.

A. Based on my map and my various examinations, as a result of all these examinations I made an approximation or an estimate of the quantity of material which might occur on this particular ten-acre tract—that on the southwest quarter of the southeast quarter of the northeast quarter of section 30, I estimated that very liberally, it seemed to me that possibly five acres may [379] be underlain by this material.

Q. (By the COURT.) Is that ten-acre tract marked A?

A. That is the ten-acre tract marked A, yes, that possibly as much as five acres might be underlain by this 12-inch bed.

Q. (By Mr. DUNNE.) What are you giving—an estimate now, or an actual observation?

A. I am giving my estimate now. I have explained that an actual observation is practically impracticable because of the erratic character of the deposit. Sample B comes from the northeast quarter

(Testimony of Joseph Jensen.)

of the northwest quarter of the northeast quarter of Section 30. It contains 54.71 per cent gypsum, but the correction for mining should be remembered. On this ten-acre tract there are only four trenches in which work has been done. In the trench which is numbered 60 I took a selection sample of the very, very rich crust, which is about from 3 to 5 inches thick, and this sample of the rich crust contains about 73.80 per cent. That is on the Curtis & Tompkins' certificate. But that sample is not representative of any particular thickness other than that 3 to 5-inch layer that I happened to find in that trench. It was a very good looking piece, and I wanted to see how good the best of it ran, so I took the sample.

I will pass C and D and take them up later.

The sample E, taken from the southwest of the southwest of the northeast of section 30—I could facilitate matters if you would let me use that sheet you have there, Mr. Hall.

(Mr. Hall hands sheet of paper to witness.)

The WITNESS.—I might explain that this is merely a typewritten sheet taken from original notes and put in more presentable form for the purpose of a summary.

The sample E, taken from the SW. of the SW. of the NE. of [380] section 30, contains 66.13 per cent gypsum, and the gypsite sample had an average thickness of 19 inches. This sample was an average for the ten-acre lot.

Q. (By the COURT.) Do you mean there was a

(Testimony of Joseph Jensen.)

layer of gypsum 19 inches thick over the entire area of the ten-acre lot?

A. No. Merely that in the various trenches shown by the red lines on map—

By Mr. DUNNE.—I don't understand, your Honor, he is testifying to the actual conditions of the ten acres, or that he is able so to testify.

The COURT.—No, but this memorandum that he has passed up here has a statement following the sample E: "Average for the ten-acre lot," which naturally raised the question in my mind as to whether he meant to say that it was 19 inches thick over the entire area.

Mr. HALL.—No, that is only an average of 19 inches in the particular places where he made the examination.

The WITNESS.—Yes, where gypsite had been developed, and those particular places are shown on my map by the red trenches.

The COURT.—I understand now.

Q. (By Mr. HALL.) Have you made any estimate of the area of that ten-acre tract from which sample E was taken as to the amount of the total area of that ten-acre tract which was covered by a deposit of gypsum?

A. Yes. Approximately two acres.

Q. (By the COURT.) How do you mean that was made? Did you make any excavation in the ground to ascertain it?

A. These trenches were made for that purpose by the Devil's Den Consolidated Oil Company in

(Testimony of Joseph Jensen.)

preparation for assessment work, and patent work.
[381]

Q. (By Mr. DUNNE.) Did you make any excavations beyond those trenches?

A. Beyond these trenches, no.

Q. (By the COURT.) You just took these samples from trenches already made by the defendant company?

A. By the defendant company. And my estimate of two acres is based upon the physical character of the claim, that is, as to whether there are elevations which make it possible for gypsite to be present. Actually, the area, of course, of these trenches is much less than two acres, so that in making my estimate I have enlarged a great deal over the size of the trenches and have taken into consideration the slight elevations and slight depressions on the claim, and in each case have endeavored to make my estimate fairly large.

By Mr. DUNNE.—Now, in order to be correct in the record, we move to strike out that testimony as being speculative.

The COURT.—Very well.

The WITNESS.—(Continuing.) Sample F is on the NE. of the SW. of the NE. of section 30. It contains 63.65 per cent gypsum, but a deduction should be made for the contamination by mining— The layer sampled in the various trenches was 12 inches thick, and this was an average, from the trenches, on the ten-acre lot.

Q. (By the COURT.) There was only one trench

(Testimony of Joseph Jensen.)

on that lot, I understood.

A. Yes, that is true; just that little work there.

Q. (By Mr. HALL.) Did you make any estimate of the area which was possibly, in your opinion, covered by the gypsum in that particular ten-acre lot from which sample F was taken?

A. About half an acre, based on that one improvement and the fact that it covered the small elevation there. [382]

By Mr. DUNNE.—I understand my motion will run to all this kind of testimony, your Honor.

The COURT.—Certainly.

A. (Continuing.) Sample G, on the SE. of the SE. of the NE. of section 30, contained 44.52 per cent gypsum and was taken across a 27-inch layer. This was taken at point 1 on the map, in which crystals occur in earth in a shaft beneath a gypsite layer—that is, an amorphous gypsite layer, and also an earth overburden.

Q. What would you estimate would be the total area—

A. The sample of the ten-acre lot is sample H.

Sample G is a special sample. The sample for the ten-acre lot, on the SE. of the SE. of the NE. of section 30, contained 49.43 per cent gypsum and was taken across a layer of gypsite having an average thickness of 14 inches as found in improvement No. 1 and improvement No. 6.

Q. (By the COURT.) You took two samples from No. 1, did you?

A. Yes, two samples from No. 1—one for a special

(Testimony of Joseph Jensen.)

purpose and the other for a composite sample for the ten-acre lots. Improvement No. 7 had been flooded with oil, so that it was impossible to get a satisfactory cut of the gypsite without so badly contaminating it with oil that it would destroy its value.

The WITNESS.—(Continuing.) I estimated the total area of the SE. of the SE. of the NE. of 30 covered by the gypsum deposit to be about one acre. Sample I is taken from the NE. of the SE. of the NE. $\frac{1}{4}$ of section 30. It contained 46.44 per cent gypsum. It was taken from the improvement marked five eight ten and improvement marked thirty thirty-one.

In that particular ten-acre tract the average area which I estimated was covered by this deposit of gypsite was about two acres. This material in this particular case was principally gypsum [383] crystals and earth. It was not the amorphous gypsite layer.

Sample J came from the NW. quarter of the SE. quarter of the NE quarter of section 30 and contained 59.83 per cent gypsum and the average thickness of the layer was 17 inches and it was an average sample taken from the various improvements on this ten-acre lot. I would estimate that the total area contained in that particular ten-acre lot covered by the gypsite deposit was about $2\frac{1}{2}$ acres.

Sample K came from the NW. of the SW. of the NE. of section 30 and contained 60.52 per cent gypsum. The average thickness of the layer was 20 inches and the sample is an average of the various im-

(Testimony of Joseph Jensen.)

provements on the ten-acre lot. My estimate as to the area in that particular ten-acre lot which was covered by the gypsite deposit was about $21\frac{1}{2}$ acres.

Sample L came from the SE. of the SW. of the NE. of Section 30 and contained 62.54 per cent gypsum and the gypsite layer had an average thickness where it was sampled of 15 inches, and the sample is an average for the various improvements on the ten-acre lot. My estimate of the area covered by the deposit of gypsite on this particular ten-acre tract was about four acres.

Sample M was taken from the east half of the NE. quarter of the NE. quarter of section 30. It contained 57.60 per cent gypsum and is an average sample for the improvements contained on the 20-acre lot. If you examine the map you will notice that those improvements are just on the line. The line happened to cross the top of the gulch bank and all of the gypsite occurring here was right on the dividing line, so that one sample would be more representative. I estimated it about one acre.

I have already described sample 60 as being a picked sample of the very best material in trench No. 60. [384]

No. 64 was taken from the NW. of the NE. of the NE. of section 30, from the trench numbered 64. It was a picked sample of the best material in trench 64, and the material in trench 64 was of the same general character as that in trench 63, and I considered that the sample was representative of the material in both

(Testimony of Joseph Jensen.)

trenches and I used it, therefore, as an average for the ten-acre lot.

Samples C and D came from the West half of the NW. quarter of the NE. quarter of section 30.

(Mr. Hall presents map to Mr. Dunne.)

Mr. DUNNE.—I understand this is simply a map of some of the trenches in the west half of the NW. quarter of the NE. quarter of section 30.

The WITNESS.—Yes; that is an accurate cross-section of the faces—an accurate survey of the material found in the east and west faces of each of the three trenches.

Mr. DUNNE.—You are speaking now of trenches which you found when you went there and which had been opened by the company?

The WITNESS.—I found them there in 1914; yes.

Q. (By Mr. DUNNE.) And that is all this map is—a cross-section of the faces of these trenches?

A. For the purpose of showing the material in the faces, yes.

Q. But that is the subject matter of this picture here, is it now—a cross-section of the faces of these old trenches that you found there?

A. Well, I have headed then “Exposure of Gypsum or Gypsite or Gypsiferous earth on Section 30.”

(Mr. Hall resuming.)

The WITNESS.—(Continuing.) On the west half of the NW. quarter of section 30 I made an examination of the trenches or exposures of gypsum, gypsite or gypsiferous earth. At the time I made my examination these trenches were open trenches. The

(Testimony of Joseph Jensen.)

earth and [385] gypsite that had been excavated had been thrown off to one side in a common pile, and when I found them the trenches were merely open, that is all, just open trenches; there was no work being done. I took measurements of those trenches to ascertain the quantity of gypsite in them. I have reproduced those measurements in the form of a plat or drawing (indentifying paper produced by counsel).

The first two illustrations at the top of the drawing represents the conditions found in the east face and the west face of the east of the three trenches. These trenches run north and south. The next two figures represent the material found in the east face and west face of the center trench. And the last two figures represent the material found in the east face and the west face of the west trench. I got the measurements or data from which I compiled this illustration by the use of a surveyor's chain surveyor's transit, a level, a rod and a measuring stick.

This illustration pretends to portray both the vertical and horizontal extent of these three trenches. They are shown on different scales. This absolutely accurately and correctly portrays the measurements which I took on these three trenches.

Mr. DUNNE.—Before you offer it in evidence, may I ask a question?

Mr. HALL.—Certainly.

Q. (By Mr. DUNNE.) Now, take that first trench; I see a green surface, a red surface, a white surface and a green surface. What does that top green surface stand for?

(Testimony of Joseph Jensen.)

A. The top green and the bottom green stand for rich.

The WITNESS.—(Continuing.) The red surface stands for the material represented by my sample—gypsite.

Q. Well, it stands for gypsum? A. Yes.

Q. And that is mineral inclosed? A. Yes.
[386]

The WITNESS.—(Continuing.) The white and red surface combined represent my sample C. So that the gypsum is included as well in the white as in the red surface. That is also true of each of the figures here. The depth of the trench is given by the scale here. At one end of the trench it is three feet deep; at the other end it has no depth. I am not able to say what the thickness of the superincumbent soil was within the inside of the trench prior to the exposure of the mineral, but I might on the map, because I measured that. That is all given here. You can take it off anywhere you want it. In this particular place in the east face of the east trench the soil was $2\frac{1}{2}$ feet thick.

Mr. DUNNE.—That is all.

Mr. HALL.—We ask that the paper just described by the witness be marked Plaintiff's Exhibit No. 5; and we offer in evidence Plaintiff's Exhibit No. 5 as an illustration of the testimony about to be given by the witness.

(Plaintiff's Exhibit No. 5 is in words and figures following:) [386-A]

WEST TRENCH

East face

West face

Scales

Vertical - one centimeter = one foot

Horizontal - one centimeter = five feet

one
foot

5 feet

EXPOSURES OF GYPSITE ON $W\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 30, T26S-R21E, MDM.

Accuracy measured at 5 ft intervals - Elevations determined by precise leveling.

— Surface of ground and bottom of trench

--- Top of anhydrite bed or layer

No. 37-3
United States

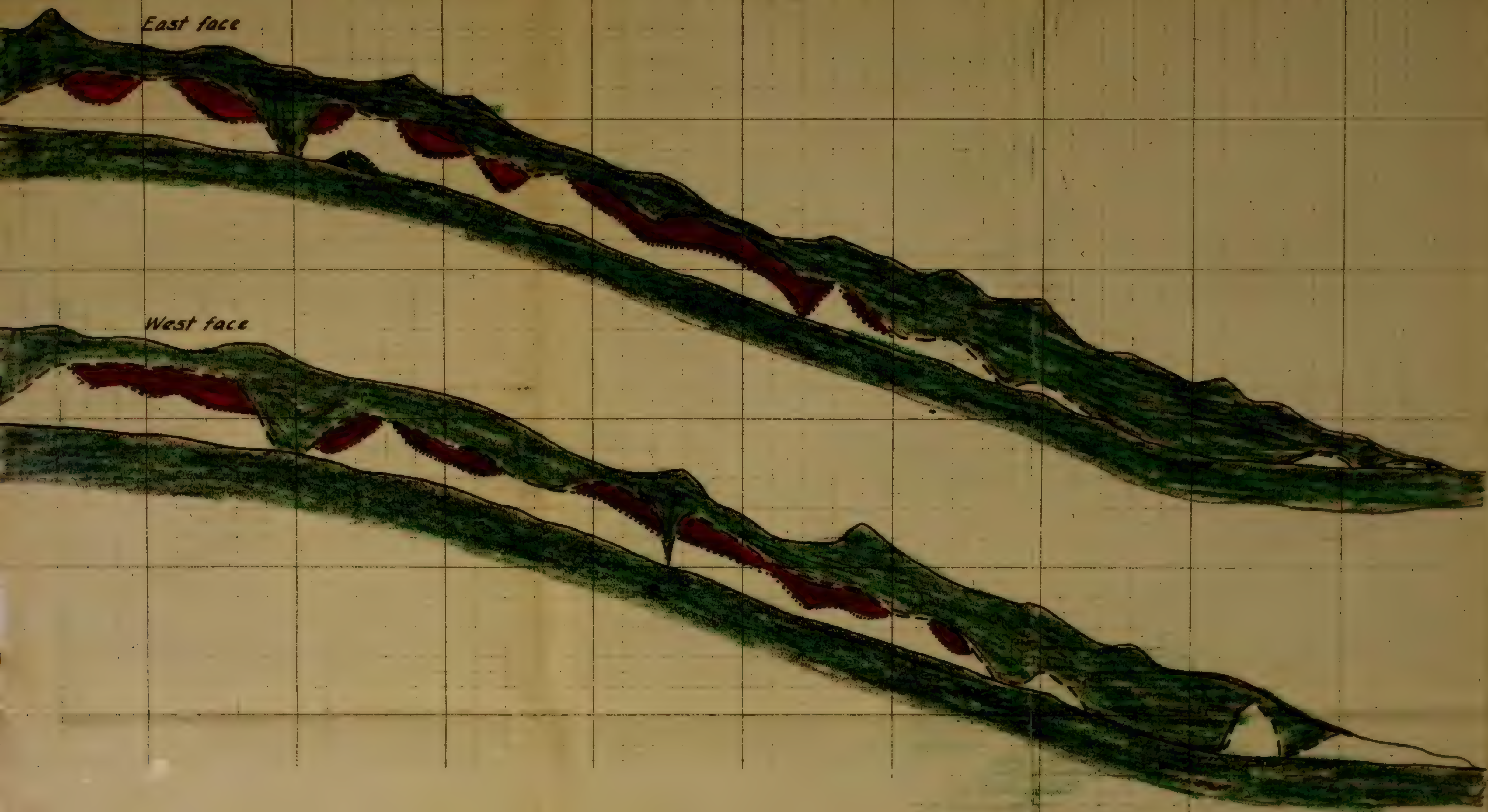
Geological Survey

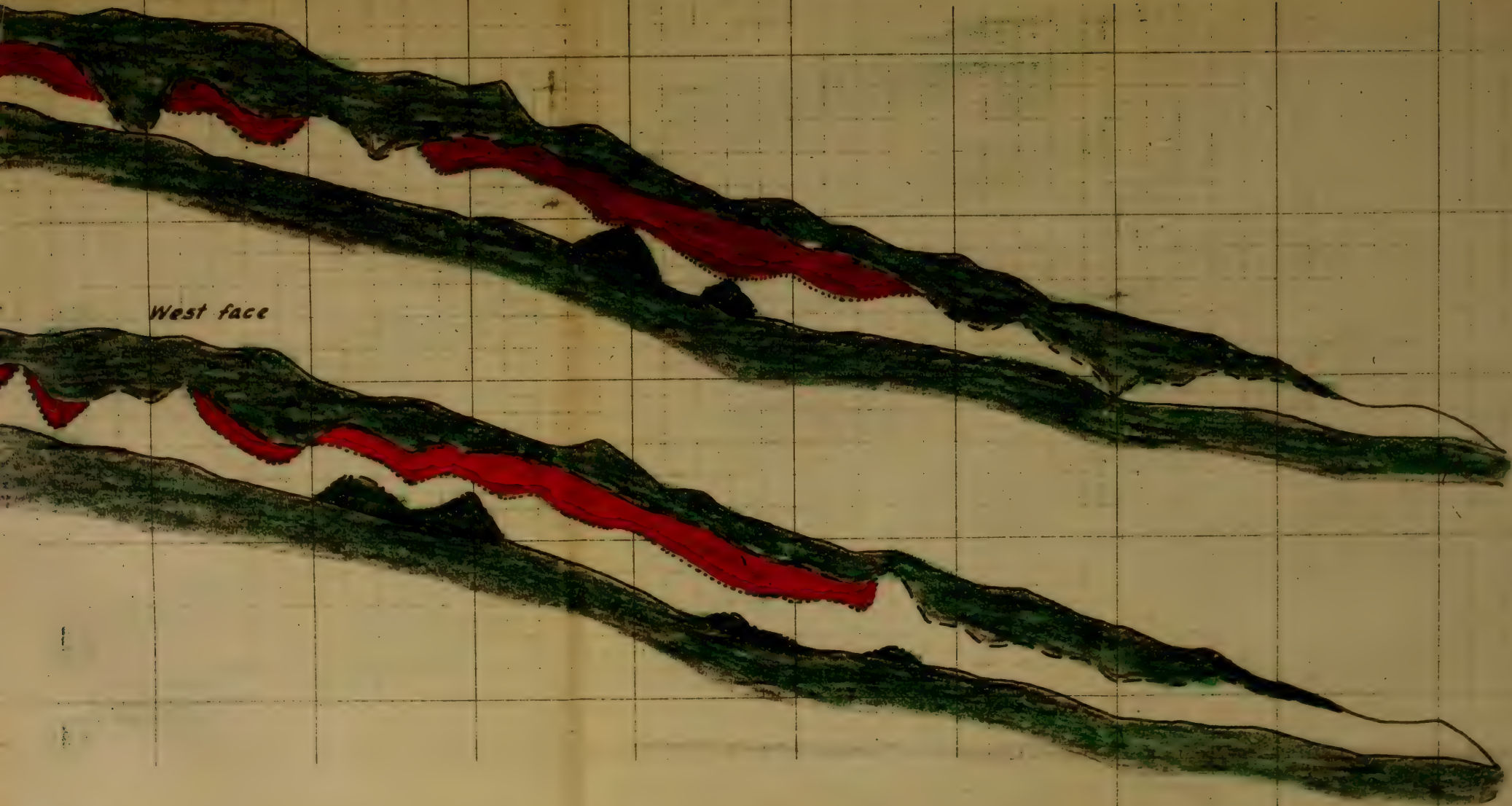
Platts - Exposed
No. 5

EAST TRENCH

East face

West face



*East face**CENTER TRENCH**West face*

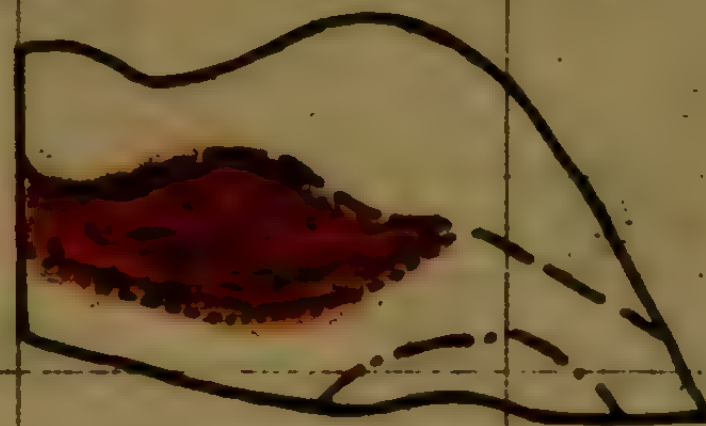
EXPOSURES OF GYPSITE ON $W\frac{1}{2}$ $NW\frac{1}{2}$ $NE\frac{1}{2}$ SEC 30, T26S-R21E, MDM.

Accurately measured at 5 ft intervals - Elevations determined by precise leveling.

- Surface of ground and bottom of trench.
- - - Top of gypsite bed or layer.
- ⋯ Bottom of "better" gypsite.
- Bottom of gypsite bed or layer. (Usually same as bottom of trench)
- █ Surface soil above and earth beneath the gypsite layer.



Shaded part (as illustrated only in this sketch) represents material taken for sample of the entire gypsite bed or layer between "top of gypsite" and "bottom of gypsite" or "bottom of trench" (the latter two being generally the same). This sample included all of the material represented by the "better" sample (colored red in trenches above). This sample was taken from 17 different cuts in which the gypsite had an average thickness of $24\frac{3}{4}$ inches. The sample of the entire bed or layer contained 58.26% gypsum, but the material as mined would contain approximately 10 to 15% waste, and only about 85% of the bed would be recovered in mining. The mined product would therefore only carry approximately 49 to 52% gypsum.



Colored part represents "better" gypsite, or the material taken for a sample between "top of gypsite" and "bottom of 'better' gypsite". This sample was taken from 13 different cuts over an average thickness of 13.4 inches. The sample contained 75.81% gypsum, but the material as mined would contain approximately 10 to 20% waste, so that the mined product would therefore only carry approximately 63 to 68% gypsum. About 75 to 85% of the bed of "better" gypsite would be recovered in mining.

No. B-37-6
United States
Swiss Sec. 30, Sec. 30, R. 21E, T. 26S
Pliffs - Exhibit
No. 5
Filed Aug. 17, 1916
Wm. Van Dyke Clerk
By J. F. Green, Deputy

(Testimony of Joseph Jensen.)

(Mr. Hall resumes examination.)

The WITNESS.—(Continuing.) I have the average area of the gypsite which was exposed by both the east and west faces of the trench in the west half of the NW. quarter of the NE. quarter of section 30. I made an estimate as to the 75 per cent gypsum. That was the richer material. And that richer material that ran 75 per cent or better, is indicated in this exhibit 5 by the portion that is colored in red. That is not an estimate; that is a careful determination. If you will notice, that is platted on cross-section paper, and then, by means of using a polemeter, I was able to determine the area of the red material exposed in the face. I am speaking of an exposed area susceptible of measurement. I could not determine the outer boundaries of this particular deposit which was exposed by the three trenches shown on exhibit 5; I could only estimate about where they would be.

(Continued on next page.) [387]

Q. How much of an area did you estimate that entire area cut into by the three trenches would cover?

A. The area developed between the east face of the east trench and the west face of the west trench is an area of 58 by 150 feet, or 8,700 square feet.

By Mr. DUNNE.—What area are you speaking of specially?

A. I am speaking of the area on the surface of the claim between the east face of the east trench and the west face of the west trench.

Q. Then you are speaking of trench area and not of an area which is still superincumbent and unexposed soil; am I not right about that? A. No.

(Testimony of Joseph Jensen.)

Q. (By the COURT.) How far are these trenches apart?

A. They are about 6 feet wide and there is—

Q. Well, I mean how far are they apart?

A. They are 20 feet between each of the trenches. Say you have a trench 6 feet, then a space 20 feet, then a trench 6 feet, and a space 20 feet, and a trench 6 feet, which makes a total of 58 feet.

Q. (By Mr. DUNNE.) That is the area you are undertaking to give your estimate on?

A. That is the area.

The WITNESS.—(Continuing.) The trenches are from 225 to 250 feet long. But if you will notice the map, the red only extends through a distance of 150 feet. There was about a hundred feet in each one of these trenches where there was no 75 per cent gypsite exposed at all. There was of the 58 per cent material represented by the sample C—58.26—that is shown in white extending intermittently in some of the trenches and in others extending [388] all the way to the end of the trench. I estimate that the total volume of gypsite excavated from within the area covered by these three trenches amounts to 1,674 cubic feet, or 67 tons. This material has been excavated and is on the dump mixed with the earth, etc. There is still remaining within the two strips between the trenches—that are 150 feet long—there is still remaining 3,720 cubic feet, or 149 tons.

Q. Did you attempt, upon any of your examinations there, to ascertain what area on the surface of the ground was covered by this deposit of gypsum which was exposed partially in the three trenches you

(Testimony of Joseph Jensen.)

have just referred to?

A. The south end of the trenches extend over into the deep gulch, in which no gypsite occurs; and to the east of the trenches and to the west of the trenches there are slight depressions or swales leading into this gulch, in which no gypsite occurs; and to the north of the trenches there is also a slight depression; so that the gypsite is confined to that slight elevation. Now, the total area of that slight elevation, assuming that the gypsite was present in it, would be 12,356 square feet. That would be the maximum area possible.

The WITNESS.—(Continuing.) I have taken photographs of the trenches from which my samples were taken (producing paper).

Q. I invite your attention to a photograph which has been marked Plaintiff's Exhibit 6. Was that taken by you on the NE. quarter of section 30 (handing paper to witness)?

A. Yes, sir. This is taken on the east trench in the west half of the NW.¹/₄ of the NE¹/₄.

The WITNESS.—(Continuing.) That was taken on the west half of the NW. quarter of the NE. quarter. That shows the exposure of gypsite. [389]

Q. (By the COURT.) No. 12 is taken in which trench—the east, or the middle, or the west?

A. It is the west face of the east trench, from near the north end to the south end of the trench.

Mr. HALL.—We offer in evidence exhibit No. 6.

Mr. DUNNE.—Which is photograph No. 12.

(The following is a photographic reproduction of Plaintiff's Exhibit No. 6:) [390]



Photograph No. 12

Without marks of explanation. East trench on
WASH[REDACTED] Sec. 30.

NOTE: Photos 12 to 20 inclusive are pictures taken
in the trenches on the WASH[REDACTED] Sec. 30. These trenches
are represented by the colored cross section, which is a
separate exhibit. The notes under Photo. 13 contain ex-
planations of markings that are also used on Photos. 15,
17 and 19. Photo. No. 13 on next page.

No. 7-37-Eg - U. S. vs. Davis & Co. & Co.
Oil Co. & Co.

Pls Exhibit No. 6. Filed Aug. 17" 1916.

Mrs. W. Van Dyke Clerk

By J. J. Green Deputy

(Testimony of Joseph Jensen.)

Q. (By Mr. HALL.) I invite your attention now to exhibit No. 7, which is photograph No. 13. There are certain lines indicated there in ink. Is this the same photograph as exhibit No. 6, photograph No. 12 (handing paper to witness)? A. Yes.

The WITNESS.—(Continuing.) The lines in ink are drawn on there for the purpose of bringing out more clearly the top and bottom of the trench and the boundary of the gypsite layer and the dividing line of the 75 per cent gypsum. So that this photograph gives us in one view gypsum running 75.81 per cent and gypsum running 58.26 per cent, according to my sampling and analysis.

Mr. Mr. HALL.—Mr. Dunne, I might shorten this very materially. This legend on here is descriptive of that, and it might entirely save you the trouble of asking him as to each point and each letter.

Mr. DUNNE.—Very well; I will consent to that legend. Let the legend go in.

The WITNESS.—That legend is characteristic of photographs 12 to 20 inclusive.

By Mr. HALL.—We offer in evidence this photograph which has been marked Plaintiff's Exhibit No. 7.

(The following is a photographic reproduction of Plaintiff's Exhibit No. 7:) [391]



Photograph No. 13.

Same as No. 12, marked for identification, showing west face of east trench from near north end to south end of trench. Trench on WNW NE Sec. 30. The upper, solid line a-a is the surface of the ground and top of the face of the trench. The lower, solid line d-d is the bottom of the trench. The line of dashes b-b is the dividing line of the upper, dark soil from the whitish, gypsite below. The lower limit of this layer is usually the bottom of the trench. The material between the lines b-b and d-d is represented by the sample "C", which contained 58.26% gypsum. The dotted line c-c is the lower limit of the better, harder gypsite. The material between the lines b-b and c-c is represented by the sample "d", which contained 75.61% gypsum. At "E" the small cross trench was dug to make sure that no gypsite existed below the bottom of the trench. Opposite side of trench is line G-G.

Note that the soil or waste and the gypsite or ore have all been piled up on the one side of the trench. The hard lumps in the pile F-F only constitute a facing, as soil and softer gypsite was thrown in behind. The hard lumps are the richer gypsite. Some difficulty would be encountered in working such material with a plow and scraper because of its hardness and its irregular upper surface.

No-17-37-Eg-21 S. Va. Limestone Co. East
Ore Co. & Co.

Repts-Entered No-7. Filed Aug-17-1916.

Wm M. Van Wyke Clerk

By J. E. Green & Sons

(Testimony of Joseph Jensen.)

Q. (By Mr. HALL.) I invite your attention to photographs which have been marked Plaintiff's Exhibits 8 and 9. Tell his Honor where those were taken.

Mr. DUNNE.—That would be photographs 14 and 15.

A. Photographs 14 and 15 are the same—the one with marks and the other without marks. The photograph was taken on the north end of the east face of the middle trench, on the west half of the NW. quarter of the NE. quarter of section 30.

The WITNESS.—(Continuing.) All of these photographs which have been already offered in evidence correctly portray conditions as they existed at the time the photographs were taken. They were taken by me with an autographic kodak.

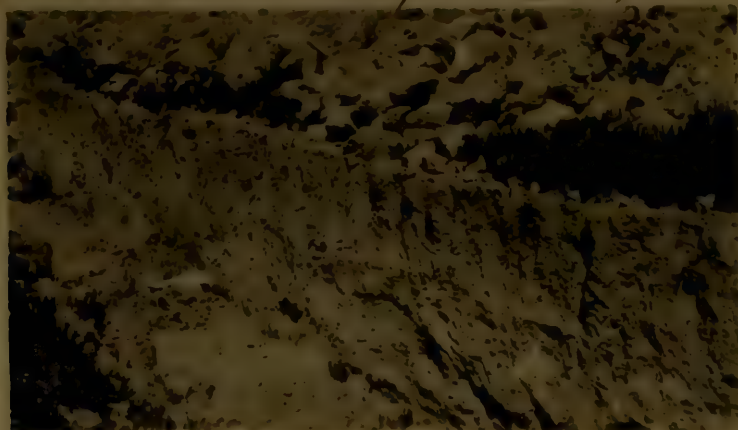
The WITNESS.—(Continuing.) Exhibits Nos. 10 and 11, photographs 16 and 17, are from the east face of the middle trench, from near the north end to the south end. They were taken in March, 1916. That shows the exposure of the gypsite and the overburden of earth.

(The following is a photographic reproduction of Plaintiff's Exhibits Nos. 8, 9, 10 and 11.) [392]

No. H-37-Eg U.S.-W.-Lands and Co. - Et c.

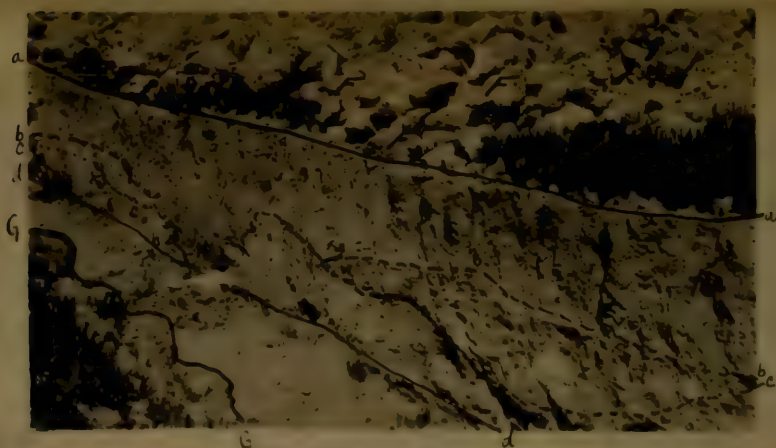
Repts. Exhibit No. 2 Filed Aug 17 1916.

Wm. W. Van der Kolk Clerk by J. J. Green & Sons



Photograph No. 14.

Without marks of explanation. Middle trench on W. 30. 30.



Photograph No. 15.

North end of east face of middle trench on W. 30. 30.
Sec. 30. a-a. b-b. c-c. d-d. as explained in notes on photo.
No. 13.
would be

No. H-37-Eg U.S.-W.-Lands and Co. - Et c.

Repts. Exhibit No. 2 Filed Aug 17 1916

Wm. W. Van der Kolk Clerk

By J. J. Green & Sons



No. 17-Ex. 26 S-05- Lewis & Co. Co. & Co.
 Puffs Exhibit No. 10- Field Aug. 17th 1916 -
 Wm. M. Van Dyke Clerk. By J. F. Green & party



10

Photograph No. 16.

Without marks of explanation. Same as Photo No. 17.



11

Photograph No. 17.

East face of middle trench from near north end to south end. Trench on ~~W. side~~ Sec. 20. Marks of explanation same as in Photo. No. 13. Note the frequency that the soil cuts out the gypsite at "I", "J" and "K". As usual the mined gypsite and surface soil have been intimately mixed in one pile on the east side of the trench. This picture shows that little of the hard, blocky, richer gypsite occurs in the lower end of the trench.

No. 37-Ex. 26 S-05- Lewis & Co. Co. & Co.
 Puffs Exhibit No. 11 Field Aug. 17th 1916.
 Wm. M. Van Dyke Clerk
 By J. F. Green & party

ETD

The WITNESS.—(Continuing.) Exhibits 12 and 13 is the lower half of the east face of the west trench.

Mr. HALL.—We offer in evidence photographs marked exhibits 12 and 13.

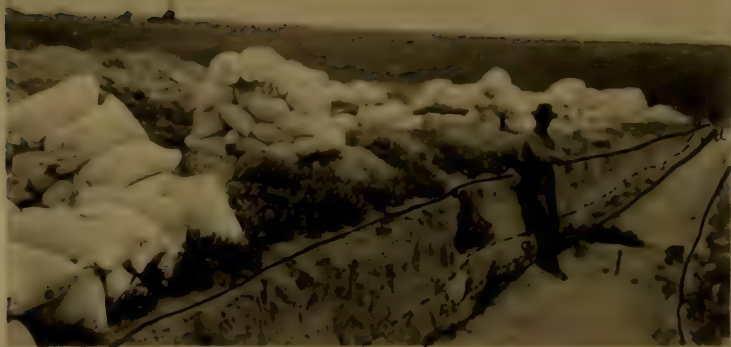
(The following is a photographic reproduction of Plaintiff's Exhibits 12 and 13.) [393]

No-A-37-Eq. U.S. vs. Davis Dam, Coured. Oil Co. Etal.
 Pliffs - Exhibit No 12 - Filed Aug 17th 1916 -
 Wm M Van Dyke Clerk By J F Green Deputy



Photograph No. 12.

Without marks of explanation. Trench on WNW NE
 Sec. 30.



Photograph No. 13.

Lower half of east face of Test trench. Marks of
 explanation as far as applicable same as in photo. No. 12.
 Trench on WNW NE Sec. 30.

No-A-37-Eq
 United States vs. Davis Dam Coured. Oil Co. Etal.
 Pliffs - Exhibit No 13 -
 Filed Aug - 17th 1916.
 Wm M Van Dyke Clerk
 By J F Green Deputy

(Testimony of Joseph Jensen.)

Q. (By Mr. HALL.) I invite your attention now to exhibit 14, which is photograph No. 20. You may state where that was taken.

A. That is the photograph of the east face of the middle trench.

The WITNESS.—(Continuing.) The white bank shown below the apparent real surface of the ground is the gypsite. The assay of the entire band shown in the photograph carried 58 per cent gypsum. The extent, horizontally and perpendicularly, of that exposure of gypsite in that trench is to be shown accurately on that plat there. That is the trench in exhibit No. 5. These photographs are merely pictures of those cross sections.

Mr. HALL.—We offer in evidence Plaintiff's Exhibit No. 14.

(The following is a photographic reproduction of Plaintiff's Exhibit No. 14:) [394]



Photograph No. 20.

The east face of the middle trench on the WNW 1/4 Sec. 30, also shown in photos 16 and 17. The gypsite is the white band. This is the best (not the worst) face of gypsite exposed in any of the six faces in the trenches. Note its irregular upper surface and the number of times the soil cuts the gypsite out entirely.

The oil derrick is that of Devils Den No. 1, the first well on the NE 1/4 Sec. 30.

NO-A-37-E2

U S vs Lewis & Co. Counsel Oil Co. et al.

Plaintiff - Exhibit No-14

Filed Aug-17-1916

Wm M Van Dyke Clerk

By J F Ferris, Deputy

(Testimony of Joseph Jensen.)

Q. (By Mr. HALL.) At the time you took your samples from the various points on the NE. of section 30 did you observe where any other parties had been sampling gypsite?

A. When I returned to the field in October, 1915, I found that the face of several of the trenches had been freshly broken. I was not present when any of the sampling occurred, but I found evidences of samples having been taken.

The WITNESS.—(Continuing.) Those samples were not taken from such a point as, in my opinion, would afford fair samples of the material deposited at that particular point. They were not, for the reason that they were taken of the rich surface veneer. I think I explained that when I took my first samples in the field I made the mistake of sampling the rich surface veneer instead of going back into the virgin material, and in this way the samples would *to* too high. In addition to this fact, several of these samples were not taken across the entire layer of the gypsite, but were taken from the rich surface clods and would therefore be picked samples, such as my sample which I called No. 60, being taken from the upper part of the gypsite layer, which is always the richest part.

In Plaintiff's Exhibit 1, I found that there had been evidence of sampling at the point 11-12 on the—I will give the points without the ten-acre lots. 11-12, 15, 16, 24, 27-29, 30-31, 43, 48, 52, 53, 64 and 66. I have in general described what appeared to be my objection to that type of sample, but I took

(Testimony of Joseph Jensen.)

specific notes as to each of these points. The objectionable features of the manner in which those samples were taken were that they appeared to be picked samples. The principal complaint is that apparently the person taking the samples did not understand this feature [395] that I discovered about the surface veneer being richer and innocently made the mistake of taking the material on the surface. But where the sample was taken from the upper layer, that is, from the top gypsite layer, it could only be a picked sample, unless he had also failed to discover that the gypsite changed in quality as one went downward.

Q. In your examination of this particular land did you make any observations to ascertain whether or not the exposures of gypsum and the places where trenches had been dug and the gypsite taken out—that the work had been carried on with any purpose of keeping separated the pure gypsite from the gangue matter or the surface soil?

A. Yes. I found that in practically every trench. The excavated material had only been thrown out on one side of the trench. Everything was in a common heap. However, at point CD, where the three long trenches are, and where I have shown in my picture the 75 per cent gypsite is blocky, and that had been used as a facing of the dump. If you want to call that a segregation, there had been that segregation; otherwise none.

The WITNESS.—(Continuing.) I found gypsite that had been sacked for transportation from this

(Testimony of Joseph Jensen.)

place. I don't know what quantity. There must have been a few tons, at least. It was all sacked.

Q. Could you tell from the appearance of the sacks, or the appearance of the gypsum in them, as to whether or not they had apparently lain there for some time or had been recently placed there?

A. When I made my first examination in January, 1914, I found a lot of gypsum had been sacked at point No. 58, and when I made my second examination in October, 1914, I found a great deal [396] of gypsum, or relatively a great deal, several tons, had been sacked at CD, and when I returned in October, 1915, this sacked material was still there, and when I returned in March, 1916, this sacked material was still there, and so far as I could determine was in the same condition. Actually, however, I did not make a count of every sack there.

The WITNESS.—(Continuing.) I found the evidence of the excavation of gypsite by the trench and the common dump, but I found no place where there was any evidence of any quantity of material having been removed from the dump as soon as it was taken from the trench.

I am familiar with the deposits of gypsum and gypsite near the town of McKittrick in the State of California; I have inspected them at various times. I have inspected those deposits in October of 1915, and again in the spring of this year. From a commercial standpoint, compared with the deposits of gypsum and gypsite and gypsiferous earth that I encountered on the NE. quarter of section 30, the Mc-

(Testimony of Joseph Jensen.)

Kittrick deposits are more extensive and somewhat better, although not a great deal better, than the deposits in the Lost Hills; but they have the great advantage of being within $2\frac{1}{2}$ miles from the railroad.

By Mr. DUNNE.—Do I understand this witness sampled and analyzed the McKittrick deposits? Are you conveying that impression?

The WITNESS.—I did not intend to convey that impression if you have it. After one has examined this gypsite for a long time he becomes accustomed, by inspection, to judge the character of it.

(Mr. Hall continues examination.)

(Continuing.) I made an investigation to determine what the Devil's Den Consolidated Mining Company had been paying for having this work done. The trenches on the Devil's Den, practically all of those shown on my map, were excavated at the rate of 40 per cent [397] per cubic yard. Gypsite weighs about 80 pounds to the cubic foot; so that it will take about 25 cubic feet to make a ton.

Q. What do you estimate, then, to be the cost per ton of mining and placing on the surface the gypsite found there?

A. Well, you see this gypsite is always covered with an overburden of soil, and making allowance for the excavation of the overburden of soil and for the gypsite itself, based on the practice of the Devil's Den Oil Company, I would estimate about 80 cents to \$1 a ton.

The WITNESS.—(Continuing.) In order to transport gypsite to the market it is usually shipped

(Testimony of Joseph Jensen.)

in sacks. When I was in the Lost Hills they caused some men to sack gypsite in order that I could estimate the rate at which the gypsite I found on the Devil's Den already sacked had been sacked, and I think that was \$1.80 per ton it cost to sack it according to the method they had been practicing.

The freight rate for hauling from the NE. quarter of section 30 to the town of Wasco on the Sante Fe Railroad has been \$3 per ton.

Q. Do you know what is the prevailing price of raw gypsite when used for land plaster in the State of California?

A. Delivered in sacks, in carload lots, gypsite can be purchased anywhere in the San Joaquin Valley for \$7 a ton, either from the Pacific-Portland Cement Company or from the Consolidated Cement Plaster Company of Amboy, California.

The WITNESS.—(Continuing.) That has been the standard price in that community for at least two years. I made inquiry of dealers who had been handling the material for many years, and also of the manufacturers, and found that there had been no change. I did not discover upon the NE. quarter of section 30 gypsum or [398] gypsite or gypsiferous earth that was sufficiently pure to be manufactured into any of the plasters or cements that are commonly used in the trades. The material found on this land is too poor in quality to be of any value for any commercial use or to meet any product offered for sale in the San Joaquin Valley. Its quality is too poor. In my opinion there is not a sufficient

(Testimony of Joseph Jensen.)

quantity of material developed on this particular land to warrant the construction of a mill to manufacture it into plaster or other manufacturing products that are usually made from these three materials. The cheapest kind of a plaster mill, which would only handle about fifty tons of material a day, would cost about ten thousand dollars on the railroad, and of course if you had to pay the additional cost of freight to haul the entire mill out to the Lost Hills you would have to make a very large allowance for freight. That was the price in times of peace, before the war prices of materials prevailed. Of course, under war prices the prices would be much higher, but I am giving you the prices at times of peace. In my opinion there was not a sufficient quantity of gypsum, gypsite or gypsiferous earth upon this land in question to warrant the construction of a mill for the manufacture of those three substances into plasters. In my opinion, the quantity of gypsum, gypsite or gypsiferous earth, or all three of them, upon the NE. quarter of section 30, the land in controversy, gave it no value whatsoever. There was no deposit of any of these three substances upon this land which would distinguish it from vast area of other lands containing similar deposits in that locality. The deposit is very similar to that found in the oil fields generally. There are no deposits similar in quantity and quality in the State of California at the present time that are being mined; that is, no work is going on at the present time. Attempts have been made, but they [399] have not

(Testimony of Joseph Jensen.)

been successful. The deposits of gypsite and gypsiferous earth in this particular quarter section of land was of very ordinary quality. There was nothing with respect to the location and surroundings on this land which added to them, in my opinion, any special value. They were devoid of special value because—well, they lacked quality entirely. They have no special value.

At the time I made my examination of these lands, I think there were twelve wells on the particular quarter section in question which were producing petroleum. I did not make any examination of those to ascertain the probable quantity of petroleum that was being produced. I observed both the petroleum that was being produced and the quantity of gypsum thereon, so as to form an estimate of the comparative values of the land for gypsum or for oil. I could do that, because I could see that a well was producing a large quantity of oil, but I couldn't say the number of barrels it was producing. If a well is producing a relatively large quantity of oil it gave the land a particular and special value for oil; but the gypsum deposits gave the land no value at this time. It was entirely my opinion that the land in question was more valuable for the oil content deposited therein than it was for these deposits of gypsum that I found therein.

Q. Going back to a point I had overlooked: From your examination could you tell whether or not there was any probability of any further deposits of gyp-

(Testimony of Joseph Jensen.)

site beneath those that you exposed and saw exposed in these trenches?

A. No. The best material has been developed. Any other material which would be found would be of less purity than that which has been developed. Of course, for a considerable distance beneath the present surface of the ground one would expect to find these lenses of gypsiferous earth, but they would seldom [400] if ever carry more than 50 per cent gypsum.

Q. And what do you say is the lowest grade of gypsite or gypsum that can be used profitably in the commercial world?

A. That is, the product as sold must be from 80 to 85 per cent pure. The lowest limit, and of course, the upper limit, particularly desired by cement companies and plate glass manufacturers is more nearly 90 to 100 per cent.

The WITNESS.—(Continuing.) I did not find any gypsum that corresponded to those grades upon this land.

I am acquainted with Mr. C. L. McDonald. I have recently interviewed Mr. McDonald with respect to certain visits he paid in the region of the lands in question.

Q. Were you familiar with the development work that had been placed upon the NE. quarter of section 30, in fact all of section 30 and all of section 32 in township 26-21, in the years 1913 and 1912?

A. My first visit was made right near the first of January, in 1914, so I was familiar with conditions

(Testimony of Joseph Jensen.)

as they existed at the end of 1913.

The WITNESS.—(Continuing.) At that time the camp of the Universal Oil Company was located and is located on the NW. quarter of section 32. The Devil's Den property is operated from this camp, although at times there has been a subordinate camp on the NE. quarter of section 30, but the main camp from which these properties are operated is on the NE. quarter of section 32.

Q. Did you know about the end of 1913 or the beginning of 1914 how far north oil wells had been drilled from the main camp of the Devil's Den Consolidated Oil Company or the Universal Oil Company?

A. Yes. The farthest producing wells on the north were [401] located on section 30. That is, north of section 30 and of the Devil's Den property there were no regularly producing wells at that time.

By Mr. HALL.—So far as I know, Mr. Dunne, that covers the general scope of the testimony as to the NE. quarter of section 30. We have also in suit A-57, lands contained in the SW. quarter of section 18.

The WITNESS.—(Continuing.) I have examined the SW. quarter of section 18, township 26 south, range 21 east, involved in suit A-57. I took some samples from that particular quarter; I took three samples, according to the method which I have described in regard to the Devil's Den and the other Lost Hills cases. I had these three samples analysed. Sample A, taken from a single trench on

(Testimony of Joseph Jensen.)

the SE. of the SW. of the SW. of section 18, contained 76.45 per cent gypsum.

Sample C, taken from the NE. of the SW. of the SW. of section 18 contained 63.22 per cent gypsum. But in taking this sample in a large number of trenches it was necessary to omit about half of the material in the trenches.

Sample B, taken from the NW. of the SE. of the SW. of section 18, contained 63.30 per cent gypsum, and was representative of the material in a cellar and a single trench. Aside from the occurrence on these three ten-acre lots there was no gypsite on the entire claim, although some 56 different cuts and about 14 trenches and a couple of shafts had been made on the claim. The gypsite was only exposed on the three ten-acre lots I have mentioned.

There was a little impure gypsiferous earth exposed in other places than those in which I found the gypsite, and that is so common and so universal and of no value so that a person would [402] not be justified in considering it. My estimate as to the entire area of this SW. quarter of 18 covered by this deposit of gypsite would only be a few acres. Two or three acres would be an excessive estimate.

I took measurements of the thickness of the layer of gypsite. None of the thicknesses exceeded 18 inches. I did not discover any deposits of gypsite or gypsiferous earth on this SW. quarter of 18 which in my opinion were of exceptional quality or of special value. They did not lend any value to the land itself because the quantity was very lacking in

(Testimony of Joseph Jensen.)

this case on this quarter section.

There was one oil well on the SW. of the SW. of the SW. of 18 at the time of my examination, but the well was not being pumped at any time during my examination, though it was in condition to be operated. The oil sump contained oil, and there were oil tanks that contained oil and had contained oil. The floor of the derrick was covered with oil. The land is essentially valuable for oil and not at all valuable for gypsum. If anything, this land is a little farther away from the railroad than the NE. of 30, which I have just described. I would say that the same conditions which would govern and the same costs which would govern the production of gypsum from the NE. of 30 would also govern from the SW. of 18.

Cross-examination.

(By Mr. DUNNE.)

Q. I would like to call your attention to Bulletin 413, Mr. Jensen, of the Department of the Interior, United States Geological Survey, entitled "A Reconnaissance of the Gypsum Deposits of California by Frank L. Hess," and under the caption "Lost Hills," [403] to read the following to you, at page 15: "If the Lost Hills are to be regarded as an extension of the Kettleman Hills anticline from which the upper, non-gypsiferous beds have been eroded, it seems probable not only that the hills contain other such beds of gypsite, but that alongside them, for their whole length, such deposits as were noted in sec. 30 will be found. It is not to be supposed that

(Testimony of Joseph Jensen.)

these beds will be equally thick or good in all places, and in spots the gypsite may be entirely lacking."

Is that a correct statement?

A. May I refer you to another quotation—

The COURT.—No; answer the question.

Q. (By Mr. DUNNE.) Is that a correct statement which I have just read?

A. Well, I would like to consider it before I answer it offhand.

Q. You are not prepared to answer it, are you?

A. I want to digest it and see it. You read it too fast for me, while I was trying to find it in my copy.

Q. Now, if you will be good enough to close your book and give me your undivided attention.

A. I can understand it better if I can read it. You are reading me a paragraph of considerable length.

Q. (Re-reading:) "If the Lost Hills are to be regarded as an extension of the Kettleman Hills anticline from which the upper, non-gypsiferous beds have been eroded, it seems probable not only that the hills contain other such beds of gypsite, but that alongside them, for their whole length, such deposits as were noted in section 30 will be found. It is not to be supposed that these beds will be equally thick or good in all places, and in spots the gypsite may be entirely lacking." [404] Is that a correct statement?

A. Why, that is fairly correct. That is about the substance of what I have said.

Q. Now, I will read the following statement to you

(Testimony of Joseph Jensen.)

from the same publication, to which I ask your careful attention:

“The beds in this locality are the most extensive that were seen by the writer in California. Whether they will be workable is problematic. At present the nearest shipping point is Wasco, on the Santa Fe Railway, 25 miles to the east. Water could probably be obtained by boring deep enough almost anywhere in the region. The deposits would need careful prospecting to ascertain their thickness and area, but this would not be difficult, as it could all be done with a shovel or a shovel and mattock. The ground could be easily stripped with teams and scrapers and the gypsite loaded into wagons directly from the scrapers by erecting a platform under which the wagons could be driven.

“It seems possible that a railroad may be built along the base of the foothills of the Coast Range, in which case transportation would not be a serious matter, and if the deposits proved to be of sufficient extent the manufacture of cement plaster might then be undertaken.”

Is that a correct statement?

A. No, that is not correct.

Q. (Continues reading:) “Analyses of gypsum from Sec. 30, made by E. C. Sullivan and R. C. Wells, of this Survey, are as follows”: Whereupon the analyses follow, which I will not burden the record with reading, and I will ask that they be considered read.

“The first analyses shows an equivalent of 75.5

(Testimony of Joseph Jensen.)

per cent of gypsum, so that about one-fourth of the material is foreign matter; the second sample contains the equivalent of 91.2 per cent of gypsum. The analysis shows a slight excess (0.6 per cent) of [405] calcium sulphate, which may indicate the presence of either anhydrite (calcium sulphate not combined with water) or partially dehydrated gypsum. The third and fourth analyses are fuller and show the character of the impurities better. The amount of gypsum indicated is nearer the amount shown by the second analysis than the first."

Is that a correct statement, so far as you know?

A. You mean the entire paragraph you have read?

Q. Everything I have read.

A. Now, if you will take that sentence by sentence I will tell you where it is right and where it is wrong.

Q. Well, can you suggest to me wherein there is any error in that statement as I have read it to you?

A. Yes, I can.

Q. Please do so.

A. On page 6 of that Bulletin he says—

Q. I am calling your attention to page 16—

By Mr. HALL.—I insist he has asked for an explanation by the witness, and the witness is giving it to him.

By the COURT.—The witness may explain it, from his own knowledge, but not from what the other examiner said.

By Mr. DUNNE.—Yes, I want him, if there is anything incorrect in the statement I have just read, to put his finger upon it and tell me why.

(Testimony of Joseph Jensen.)

A. Then take it sentence by sentence and I will analyze it for you.

Q. Very well. (Reading:) "Analyses of gypsum from sec. 30, made by E. C. Sullivan and R. C. Wells, of this Survey, are as follows": Do you deny the analyses were made as represented in that Bulletin?
[406]

By Mr. HALL.—We object to that because it does not say whether it is the Section 30 in question or not. I would like to know, myself, whether it is the section here involved.

By Mr. DUNNE.—Section 30, township 26 south, range 21 east.

By Mr. HALL.—Very well.

Q. (By Mr. DUNNE.) Now I am taking it sentence by sentence, following your own method. Do you undertake to say that the analyses were not made by these two gentlemen of the Geological Survey as represented here? A. No.

Q. Very well. Now, we will take the next sentence: "The first analysis shows an equivalent of 75.5 per cent of gypsum, so that about one-fourth of the material is foreign matter." Is there anything wrong in that?

A. No. I submitted some samples of the same quality.

Q. Next: "the second sample contains the equivalent of 91.2 per cent of gypsum." Is there anything wrong in that?

A. I can go and pick a sample that will run a hundred per cent.

(Testimony of Joseph Jensen.)

Q. Is there anything wrong in that?

A. You don't tell how the sample was taken and what it represented.

Q. I didn't ask you what you would do, but I am asking you if there is anything incorrect in that statement I have just read?

A. I will concede that you can get a sample of that purity, yes.

Q. Well, will you concede that the analyses made by these gentlemen, the second sample, contained the equivalent of [407] 91.2 per cent gypsum?

A. Certainly. Certainly.

Q. (Reading:) "The analysis shows a slight excess (0.6 per cent) of calcium sulphate, which may indicate the presence of either anhydrite (calcium sulphate not combined with water) or partially dehydrated gypsum."

You have no objection to that?

A. Not at all.

Q. (Reading:) "The third and fourth analyses are fuller and show the character of the impurities better." You don't object to that, do you?

A. No.

Q. Now, I read the last sentence to you: "The amount of gypsum indicated is nearer the amount shown by the second analysis than the first." Is that incorrect?

A. Now, what does he mean? Will you explain what he means by that sentence? Does he mean the amount of material throughout the Lost Hills is more truly correct 90 per cent, or 75 per cent and less?

(Testimony of Joseph Jensen.)

Q. Now, you have heard the sentence read. Put your own construction upon it. Do you agree to it?

A. If the statement means that material containing 90 per cent gypsum is widespread on section 30 then I most emphatically state that it is incorrect.

The WITNESS.—(Continuing.) I am twenty-nine and a half years old. I graduated from the University of Utah in 1908, from the State School of Mines; specialized at Freiburg, in Germany, and I secured a Master's degree from Columbia in geology and mining engineering.

I was mining editor for the Salt Lake Tribune before [408] entering the Government service during that summer; a matter of two or three months. Then I went into the Government service. I was in the Government service from 1908 to 1909, in the capacity of mineral inspector, at a salary of \$1,800 a year, with \$3 per diem, making a total of \$2,800.

I was out of the service from 1910 to 1913. Those three years were leave of absence. I spent at least one of those years in school in Germany. That is the Freiburg experience. I was at Columbia one of the other years. The third year of this interval I was living in Germany and traveling in Europe.

When I returned to the Government service in 1913, it was in the capacity of a mineral inspector of the General Land Office. In the same capacity, same salary and same duties. That has been my relation to the Government and to this case ever since, except my salary has been increased.

I have never made an examination and analysis of

(Testimony of Joseph Jensen.)

gypsum deposits in the field in New York State, in Ohio State, in Michigan, Virginia, in Texas, Iowa, Kansas, Colorado, Oklahoma. I have made inspections of deposits in Nevada that, by visual inspection, I could tell were 95 to 100 per cent pure. I have not made an inspection of deposits in Wyoming, the Dakotas, Montana, Alaska, Europe.

Q. Did you, in any substantial sense, go into this matter of gypsum until you went up here to this Lost Hills territory?

A. Yes. In Utah I examined State selections, in Southern Utah, and also recommended the withdrawal of about three or four townships until that matter could be investigated.

The WITNESS.—(Continuing.) I took samples of the contents in those cases, and had them analyzed. Of course there was rock [409] gypsum. We didn't pay any attention to the gypsiferous earth. I was engaged a matter of a few months in inspecting this rock gypsum in Utah. Outside of that my principal gypsum activity has been here in California. Of course I have examined shales in New Mexico that were gypsiferous in character, the same as the shales and tertiary deposits of California. They were cretaceous in New Mexico.

Q. Now, in your deposition in the Lost Hills case you referred to gypsum in these various states which I have named here, this long list of states and places, and you also referred to various geological horizons therein in which gypsum was deposited. I am fairly correct in saying, then, that when you made those

(Testimony of Joseph Jensen.)

statements upon the deposition you were simply telling us what you had been reading up in books about those places?

A. Well, that is the information a person accumulates by going to school. That is my experience, the knowledge that I have acquired.

Q. Now, did you read up on gypsum to qualify yourself as a witness in this case?

A. I certainly have studied gypsum from beginning to end.

The WITNESS.—(Continuing.) I first went to the Lost Hills territory in January, 1914. I was there two or three days on that occasion; maybe four. I went there next in October, 1914.

Q. And how many days were you there then?

A. Well, you see I made the examination of the Lost Hills claims, now, so I was there about a month and a quarter; sometime from the first of October until along in November. I went there again in October, 1915. I was there just a few days at that time. It was for the purpose of re-examination, to testify [410] in court. I went there finally in March, 1916. I was in the Lost Hills country during all of the month of March, and I was working on these and other lands in the vicinity. I could not segregate the time without going through my notes.

Q. Now, that is about the scope of your experience, personally, concrete experience with gypsum, is it not?

A. No, no, no. No, I examined about two square miles of land about a mile and a half or two miles

(Testimony of Joseph Jensen.)

and a half from Taft in the oil fields in which the same question was involved.

Q. Was that examination that you made by visual inspection, as you call it?

A. No, sir; that was made with the same care and skill as the examination in the Lost Hills. I examined the land by ten-acre tracts, and took samples.

Q. Well, that was part and parcel of your general work up there at that time, was it not?

A. Well, you were limiting your first questions to the Lost Hills, and I am telling you of other work I have done in connection with gypsum.

The WITNESS.—(Continuing.) That was not done in about the same time; that was done in January and February, 1915.

I was up there in January, 1914.

Q. You were up there in October and November, and finally in March, were you not?

A. If you want my general oil-field experience, the time I spent in the oil fields, where these deposits occurred, and where I have observed them, I would have to lengthen that.

Q. I am asking you as to the length of time you spent in making special examination of gypsum.

A. I understood that you were limiting it to the Lost [411] Hills, I might add, if you want a little more regarding my experience in that connection, that I made a personal visit in Coalinga and McKittrick and Taft and Fellows and Maricopa and Buena Vista Hills and the Elk Hills and the Lost Hills, and throughout the west side of the San Joaquin

(Testimony of Joseph Jensen.)

Valley I have studied the gypsum question, and have interviewed railroad men about freights, and also consumers, and also went up and down the San Joaquin Valley, and in addition to that I visited the deposit at Amboy, and also visited a large number of gypsum manufacturers in Los Angeles, and visited a gypsum deposit in Nevada, and have inspected a deposit at King City, California, and in fact have made a thorough study and visited personally everything in Central California in connection with gypsum.

Q. Did you make a single excavation?

A. Made or caused to be made?

The WITNESS.—(Continuing.) Outside of the trenches to which I have testified, I caused the man who was working with me to make excavations where necessary on the Devil's Den claim. They would be alongside of trenches, or in the sides of trenches, or in the bottoms of trenches, or inside of shafts. That is all the excavations I made or caused to be made in the Devil's Den territory. In the Lost Hills I made or caused to be made excavations of the same general type only.

I have never been employed in any enterprise engaged in the mining of gypsum. I have never been employed in any enterprise engaged in the shipping or transportation of gypsum. I don't think I have ever been employed in any enterprise engaged in the use of gypsum for any purpose of the arts and manufacture. I have never been employed in any enterprise engaged in the sale of gypsum.

(Testimony of Joseph Jensen.)

Q. Have you ever had the slightest personal experience as a matter or business in the extraction, transportation, manufacture or sale of gypsum?
[412]

A. Why, I think all of my Government work in this connection is very material in that regard.

Redirect Examination by Mr. HALL.

Q. Your attention has been invited to page 15 of Bulletin 413 entitled "A Reconnaissance of the Gypsum Deposits of California by Frank L. Hess," with notes by Steiger. I call your attention to this, which is found on page 6, as follows:

"In an endeavor to supplement what was known the writer spent a part of the winter of 1906-7 in a reconnaissance of various gypsum-bearing localities of the State. The time and money available did not permit visits to several other acres where deposits of more or less importance are said to occur, and for lack of time the deposits visited could not be examined in detail." Do you know how long the author who made that statement occupied in making this examination which he treats of in this work?

A. No.

Q. (By Mr. HALL.) Do you know whether or not in this publication there is any statement as to how long a time was spent by Mr. Hess in gathering the data from Section 30 in 26-21?

A. (Examining book.) Why, it says here, in connection with this examination, reading from page 14, third paragraph, about the eighth line: "It was not practicable with the tools at hand to dig to any

(Testimony of Joseph Jensen.)

considerable depth, so that the thickness of the gypsite was not determined."

Q. (By Mr. DUNNE.) Go ahead and read the next sentence.

A. Well, that is what I wanted to call attention to.

Q. Well, read the next sentence.

A. "Mr. Orlando Barton stated that he had at a number of places dug into the gypsite to a depth of 4 feet without passing through it."

Q. (By Mr. HALL.) That does not say it was on the land in question, does it?

A. No, it does not.

Q. Is there anything to indicate in this sentence read from page 15, or the description of the analysis which Mr. Dunne has dwelt upon, to show the manner in which those samples were taken. [413]

A. There is nothing.

Q. So that can you judge from the description of the samples and the results which the author has given here whether those are typical samples or are selected samples to show a high grade of gypsum?

A. There is nothing in the statement as read to show the quantity of material sampled, or that the samples are representative of it, or anything about the method of sampling.

Q. Is there anything in that statement that shows the quantity and extent of the deposition of gypsum in question? A. No.

Q. Is there anything in that statement to show whether or not the deposits upon the land in con-

(Testimony of Joseph Jensen.)

troversy were of exceptional quality or of specific or special value?

A. The one sample of 90 per cent, of course, would represent an exceptional quality. But unless there was any quantity of that material it would not have special value.

Q. Is it not a fact that on page 15 in reference to these particular deposits that the author says: "Whether they will be workable is problematic?"

A. Yes.

Mr. DUNNE.—I read that myself.

The COURT.—This examination by Mr. Hess was made when?

The WITNESS.—In 1907.

Mr. DUNNE.—This was published by the Government in 1910?

Mr. HALL.—Yes.

Mr. HALL.—Do you intend this cross-examination to stand as the cross-examination in the Lost Hills case?

Mr. DUNNE.—I have no objection.

The COURT.—Very well; it may so stand.

Mr. HALL.—And we may consider that the general inquiry [414] I have made goes into 57 without repeating it?

Mr. DUNNE.—Certainly. [415]

(The deposition of Joseph Jensen, taken in the proceedings pending in the United States Land Office at Visalia, California, involving the same lands as are embraced in suit A-52, taken on the 5th, 6th, 7th, and 8th of April, 1916, before J. D. Brown,

(Deposition of Joseph Jensen.)

Notary Public, at San Francisco, California, and offered in evidence by the Government in suit A-52, is as follows:) [416]

Deposition of Joseph Jensen, Taken by Stipulation of Counsel on April 5th, 1916, at 11 o'clock A. M., Before J. D. Brown, Notary Public, San Francisco, California.

Direct Examination.

(By Mr. MURPHY.)

The WITNESS.—I am a Mineral Inspector in the Field Service of the United States General Land Office; Mining Engineer and Geologist. I entered the employ of the Government in the summer of 1908, and was employed continuously until 1910; then I re-entered the service in the summer of 1913, and have been employed continuously since then, making a period of approximately five years.

My present headquarters are in San Francisco.

I am a graduate of the Utah State School of Mines, from the course in mining and engineering, in 1908. I spent one year doing post-graduate work at Freiburg in Germany at the Royal School of Mines. I have degrees of Master of Arts in geology and mining engineering from Columbia University in New York. The Columbia degree was in 1913.

I was a mining engineer and geologist at the Bamberger-De Lamar Gold Mines Company, De Lamar, Nevada. I have done geological work in the several mining districts of Utah, particularly in the Tintic mining district; and in the San Francisco mining

(Deposition of Joseph Jensen.)

district in the vicinity of the Horn, Silver and Cactus mines. I was mining editor for the "Salt Lake Tribune." I have also been engaged in engineering work of a general character. I surveyed the water-works system for American Fork, Utah; and did considerable office engineering work for Richard R. Lyman, who is one of the State Road Commissioners of the State of Utah.

I have traveled extensively through the United States and [417] Europe, and have visited mining centers in Germany, Austria, Belgium, England, Scotland, Wales, New Jersey, Pennsylvania, Utah, Idaho, Nevada and California.

My work in the field service of the General Land Office during the five years I have been in the service has consisted of classifying lands as to their mineral and nonmineral character, with reference to the application of the land laws of the United States. My duties require that I make examinations in the field of occurrences of minerals situated upon the public lands of the United States and privately held lands adjoining thereto. I have been engaged in that character of work during my employment by the Government almost continuously.

In the course of my official duties for the General Land Office I had occasion to examine the lands embraced in the so-called Lost Hills Mining Co.'s claims, described as follows: Visalia M. A. 03431, embracing the NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M.; also M. A. 03432, described as SE. $\frac{1}{4}$ of

(Deposition of Joseph Jensen.)

Sec. 30, same township and range; also M. A. 03448, embracing the NW. $\frac{1}{4}$ of Sec. 32, same township and range; also M. A. 03457, embracing the NE. $\frac{1}{4}$ of Sec. 32, same township and range; also M. A. 03459, embracing the SW. $\frac{1}{4}$ of Sec. 32, same township and range, all of which are involved in this proceeding. This examination was made in the months of October and November, 1914. Further examination was also made in the month of October, 1915, and March, 1916. Something more than a month was spent in making the original examination. Between a week and two weeks has been spent in examining the lands embraced in these locations, since.

I made a special study of the gypsum feature of these lands. In addition to my examination of the gypsum feature of these lands, I have made a special study of the question of gypsum. [418] Gypsum is one of the common minerals occurring in the earth's crust. It is hydrated calcium sulphate. It consists approximately of 32% lime, 46% sulphuric anhydride, and about 20% water. The chemical symbol is $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$.

Q. (By Mr. REDDING.) Any other symbol for gypsum but this? Does gypsum occur in any other combination that can be called gypsum?

The WITNESS.—This is the composition of gypsum, and any substance having this composition, if occurring in a natural state, would be mineral gypsum.

(Continuing.) Gypsum is a nonmetallic substance. Gypsum is one substance which is of wide

(Deposition of Joseph Jensen.)

distribution in the earth's crust. It is found particularly associated with deposits of salt, deposits of shales, and practically any geological formation or horizon which has been formed under arid conditions will contain deposits of gypsum in a more or less pure or impure state.

Q. What are the geological horizons in the United States where gypsum is found?

A. Gypsum occurs in the Silurian formation in New York and Ohio and Michigan. It occurs in the lower carboniferous in Virginia and Michigan. It is found in the Permian of the Middle West, extending through Iowa, Kansas, Colorado, Oklahoma and Texas. It occurs in the Triassic of Wyoming and Nevada. It occurs in the Jurassic of Utah. It occurs in the tertiary formation of California and the Gulf States. It is also found in Alaska and Dakota and Montana.

In the foregoing citations which I have made I have been referring to deposits of rock gypsum of exceptional purity and thickness. Associated with these deposits of pure gypsum there are gypsiferous beds or beds which contain small quantities of [419] gypsum. These are even more widespread than the deposits of pure rock gypsum. Mention of their occurrence is seldom made in publications of economic geology, and one finds best reference to them in scientific publications dealing with pure geology. For example, the Permian of the potash district of Germany produces immense quantities of potash and little or no gypsum. The occurrence is

(Deposition of Joseph Jensen.)

essentially one of potash, but associated with potash are common salt, rock salt, gypsum, and many other minerals. Thus, also, in the State of Utah, commercial deposits are being developed at Nephi, and one would be inclined to believe that this was the only deposit of gypsum in Utah. On the contrary, the Jurassic formation of Southern Utah contains deposits much more extensive than those of Nephi.

I have traced the outcrop of a bed of rock gypsum for more than twenty miles in this region in southern Utah. This bed had a thickness of more than fifty feet. Associated with it in this series, principally overlying it, was a formation of gypsiferous shale or gypsiferous earth. This gypsum content was important, but varied between wide limits. Likewise in southeastern Utah in the San Juan immense geodes have been found containing perfectly pure crystals of gypsum. The valley of the Virgin River in southwestern Utah cuts through several hundred feet of such gypsiferous material. In California the tertiary formation is widespread in the Coast ranges. Here the gypsum of the tertiary is of the character which I have described as a gypsiferous earth, rather than of the rock gypsum type. In addition to these occurrences in older rock gypsum is also widespread in the desert basins that now exist in Southern California, Nevada and Utah and New Mexico. Some of these deposits are of exceptional purity, but many of them are of the gypsiferous earth variety. I might state [420] further that in Kansas, and Texas particularly, the gypsum deposit in the older rocks

(Deposition of Joseph Jensen.)

has been redissolved and reprecipitated by springs so as to form deposits known as gypsite. In Kansas particularly these deposits are extremely widespread. Owing to the manner in which they have been formed, they are often as pure as the parent rock gypsum from which they have been derived. In all regions where gypsiferous shale occurs it exhibits a tendency to migrate too near the surface so as to form superficial deposits entirely dissimilar in origin and structure and character from the gypsites of Kansas. Deposits of this type occur in southern Utah and in the tertiary of California.

Q. Referring to the lands in question, I wish you would briefly give a statement of the geology of the region in which these claims are located?

A. The formation exposed in the crest of the Lost Hills is a tertiary formation, known as the "Etchegoin." It is one of these formations which contains gypsiferous earth which I have described above.

Q. (By Mr. REDDING.) Are you seeking to verify or change the geological report of Arnold?

The WITNESS.—Arnold never said much about the Lost Hills. The manner in which I determined the age of the formation in the Lost Hills was by means of fossils secured in the wells of the Universal Oil Company and in the oil sand. These fossils were used to correlate with others described by Arnold as belonging to the Etchegoin, so that the determination would agree with Arnold's classification of the Etchegoin.

(Mr. Murphy resuming.)

(Deposition of Joseph Jensen.)

Q. Where does this gypsiferous earth outcrop in this region? [421]

A. Gypsiferous earth will occur through the entire formation which is not a compact or solid one as lenses. These lenses will occur distributed over various parts of the crest of the Lost Hills. Superficial deposits of gypsite have formed on the surface from such of these lenses as may have outcropped.

The WITNESS. — (Continuing.) Throughout the Lost Hills these outcrops are extensive, and are found from the extreme southern end where the hills rise from the valley floor along the crest to the extreme northern end, where the hills again merge into the valley floor. Allied formations of the same general character occur along the flanks of the Diablo temblor ranges and in parts of the anticlinal ridges that occur along the west side of the San Joaquin Valley, such as anticlinal ridge, the Kettleman Hills, the Lost Hills, the Elk Hills, and the Buena Vista Hills. These tertiary formations that flank the Diablo range and the Temblor range extend from Alameda County southeastward into Kern County and around the south end of the San Joaquin Valley, and again northward to the vicinity of Bakersfield, and represent an area of land more than 200 miles long and from 10 to 15 miles wide. It is in this region that scattered occurrences of gypsiferous earth and gypsites are to be found.

Q. I hand you cross-section marked Government Exhibit "A," purporting to show the formation of this region, and ask you to identify and explain it.

(Deposition of Joseph Jensen.)

A. This is an "Ideal Section" prepared by myself for the purpose of showing the occurrence of gypsite on the west side of the San Joaquin Valley in an area 150x15 miles. It represents a section from west to east, and is general in character. The red dashes in the belt marked "Various Tertiary Formations" are intended to roughly represent beds of gypsiferous earth. The yellow [422] mark on the surface and the part between the lines A-B and C-B represent the surface concentration and the region in which surface concentration of "amorphous" gypsite always occurs.

On the left-hand side of the map the slope is supposed to represent the "East slope and foot-hill belt of the Diablo and Temblor Ranges" and is marked by A-B. The region marked C-D may well represent a section across such ridges as the anticlinal ridge, Kettleman Hills, Lost Hills, Elk Hills, and Buena Vista Hills.

Mr. MURPHY.—The Government now offers in evidence cross-section marked Government Exhibit "A," as identified by Mr. Jensen.

(Government Exhibit "A" is in words and figures following:) [423]

Passo. Exhibit A.

ггггг. Гаушке сент

By J. F. Green Deputy Clerk

AB & CD - REGION IN WHICH SURFACE
CONCENTRATION OF "AMORPHOUS"
GYPSITE LAYER OCCURS.

ANTICLINAL RIDGES
RISING IN VALLEY
SUCH AS THE
ANTICLINAL RIDGE
KETTLEMAN HILLS
LOST HILLS
ELK HILLS
BUENA VISTA HILLS.

Mr. MURPHY.—The purpose in offering this cross-section, marked Government Exhibit “A,” is to show the position of the formation containing the beds of gypsiferous earth in the San Joaquin Valley, and particularly on the lands in question.

Mr. REDDING.—Well, the defendants will have to object to this matter as being incompetent to prove any of those facts. I understand the map is supposed to represent a cross-section from west to east and 150x15 miles. We object to it on the ground that it is not competent evidence to show the geological formation of that particular territory. We would prefer, Mr. Murphy, that Mr. Jensen testify to some particular piece of land which he has inspected personally. I do not suppose you intend that he has been over this territory, and this furnishes a geological, physical and geodetic survey in this matter resulting therefrom.

Mr. MURPHY.—This matter, of course, can be brought out on the cross-examination. I will state, however, that Mr. Jensen has covered the territory embraced in this cross-section.

Mr. REDDING.—Yes, but that is supposed to represent not only superficially, but what he believes to lie below the surface for a certain depth. [424]

The WITNESS.—It merely illustrates the result of my geological observations in this district.

Mr. MURPHY.—Q. In your examination of lands embraced in mineral applications based upon non-metallic substances, what tests do you apply in passing on the application?

(Deposition of Joseph Jensen.)

A. There are a number of tests that I apply. The first, and foremost test is as to whether the deposit is subject to entry as a lode deposit or as a placer deposit. In case the deposit is subject to entry as a lode, it is necessary that a vein be exposed or developed containing the substance sought. Thus, for example, a bed of phosphate rock occurring between two beds of limestone or other material would be classified as a lode. The element as to whether the deposit exposed in the lode was of present commercial value or not would not have a great deal of importance, for the reason that conditions might change in depth on the lode and the outcrop of the lode would be such as to justify a prudent man in spending time and money in the hope of developing a paying deposit.

The test regarding a placer claim which I have applied is essentially different from this. Placer deposits without exception, save oil, are surface deposits and are accepted for what they are and not what they may become. In examining a placer claim, as for example a gold placer, I would expect the claimant to show something more than mere colors of gold.

Dealing specifically with nonmetallic deposits, such for instance as limestone, this test shows its value more particularly. Limestone is widespread throughout the country. Some small percentage of lime will be found in many rocks. It is so widespread that in mountain regions, if the mere showing of limestone were sufficient, most any tract could be

(Deposition of Joseph Jensen.)

classified as a tract bearing limestone. My experience, therefore, has led me to draw a dividing line as to limestone; not that I would reject the limestone and [425] say that no limestone would establish a mineral discovery on a placer mining claim, but rather I have applied the rule of exceptional quality and special value. If a limestone has been so altered as to form a deposit of marble which is of special value for construction purposes and interior decorating, I would consider such a deposit clearly as a valid mineral discovery of a placer mineral claim. If the limestone were exceptionally pure so that it was desirable for use as a flux in a smelter, I would consider it a valid mineral discovery for the reason that such high grade and pure limestones are not widespread in occurrence. On the other hand, if stone contains a small percentage of calcium carbonate or limestone and because of this reason imparted a certain hardness to the rock so that the rock was desirable for use in making road metal or ballast for roads, I would not classify it as a valid discovery of limestone. This is because rocks of this type are so widespread in occurrence that any tract of land containing a hard rock, if favorably situated near a region of demand, can be used. In other words, I expect the mineral discovered to have a quality inherent within itself as the basis of classifying it as a mineral discovery, rather than the mere fact that it is near some locality where it can be used. The core of the Sierra Nevada Mountains in California consist essentially of a granite formation. This granite

(Deposition of Joseph Jensen.)

is found many miles from railroad centers, so that at the present time it lacks entirely any element of commercial value.

Since I apply the test of present value as the basis upon which a placer mining claim must rest, more than its hypothetical future value, it is evident that some weight must be given to the commercial value at the time the application is made, and at the date of location on the mining claim. I do further expect [426] in my examinations that a valid discovery of mineral will be such a one as to justify the simplest type of common development for that type of deposit, so that a product could be manufactured which would be able to stand as an average or a near average of the commercial products on the market. I might illustrate this in the case of limestone which may be burnt for making burnt lime. A low grade limestone, situated favorably to a small community, could be burnt for making burnt lime for motor for houses. Deposits of this character would be widespread. Here actual use would be made of the limestone.

MR. REDDING.—May I ask for information or enlightenment? Do I understand you to say that which determines the mineral character of whatever you examine is its inherent quality plus its immediate commercial value?

WITNESS.—No, I would not say “plus.” I would say “and also.”

MR. REDDING.—Do I understand you to say in your effort to define a piece of earth which you have

(Deposition of Joseph Jensen.)

investigated as to whether it is a mineral, in the sense of a placer mineral location, that if it were, we will say, 30% pure gold and 30,000 miles from a place of sale, that would not make it a mineral?

WITNESS.—I draw a dividing line between metallic and nonmetallic minerals.

Mr. MURPHY.—We are dealing with nonmetallic minerals.

Mr. REDDING.—We will say gypsum is non-metallic. Suppose you discover $\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$, that you find that it is not present in a locality where it can be commercially used. It would not be, then, a placer discovery until it becomes commercially utilizable?

WITNESS.—I would not go that far. The question of [427] commercial value would be an element of present value.

Mr. REDDING.—But it is an element of its mineral character?

WITNESS.—It would be an element but not a complete test alone. Now, returning to my illustrations of the impure limestone which would be used in a farming community for making burnt lime, it is evident here that the limestone is actually being put to commercial use. This usage is not because of the fact that the limestone is pure, but that it is near at hand. It would not be an article that could compete with the average burnt lime. Its sole value would rest upon the fact of its nearness to a community. I may go further for example, in illustrating the test which I apply.

(Deposition of Joseph Jensen.)

Portland cement is a product manufactured by taking a clay substance, argillaceous substance, and a calcareous or limey substance, and burning the two together after crushing and fine grinding. It is possible to find an impure limestone with just enough shale in it so that with the addition of some very pure limestone a Portland cement can be made. I would consider that a very pure limestone, because of its rareness and special value, would provide the basis of a mineral discovery; but I would hold that impure limestone containing shale or argillaceous matter would not be the basis of a valid discovery on a placer claim, for the reason that deposits of this type are so widespread that vast tracts on the public domain could be so appropriated.

I may further illustrate my point with clay. Clay is very common; in fact, almost universal in its occurrence. A shale is merely a consolidated clay. Now, a clay that could be used for making ordinary building brick or that could be used for making Portland cement, would not constitute a valid discovery of mineral [428] for the reason that it is so widespread and so common that it imparts no special value to any particular tract of land.

Mr. REDDING.—What is a shale?

WITNESS.—Shale is merely consolidated clay that has been subjected to heat and pressure through geologic time. If on the other hand, I should encounter a deposit of fine clay or Kaolin which would be of great value for making pottery or china, or even a fire clay fit for making fire brick, I would con-

(Deposition of Joseph Jensen.)

sider clay deposits of this type as proper discovery upon a placer mining claim, for the reason that such deposits are not widespread in occurrence. They are of special quality and impart special value to the land upon which they occur. Of course in all these cases where I have been dealing with the question of quality, it is self-evident that the quantity must parallel it. Unless there would be a quantity of material that would justify even the simplest kind of operation under the most favorable conditions, the deposit could not be classified according to my method as a mineral discovery on a placer mining claim. Thus by careful work one is able to find seams of perfectly pure calcite or limestone in a very impure lime rock. Clearly these small seams of calcite would never pay for any sort of mining, no matter how favorably situated. In the same way, small bands of fire clay having no quantity and lacking extent, would not be such that I would feel justified in considering them a valid discovery on a placer mining claim.

Now, as to this element of commercial value, my idea is, while it is not the sole test upon which a placer discovery rests, I can believe that it is an element entering into the question of present value. The first tests that I have set down are the tests of special value and exceptional quality, and the further test of commercial quantity. It will therefore be observed that my test of [429] commercial value is not given the first place in my classification, but is rather ranked as one of the factors that bear on

(Deposition of Joseph Jensen.)

the question of present value; as for example, in the question of quantity. If I should locate a deposit of very pure limestone, I will say ten tons, that would be worth \$20.00 but that would cost \$100.00 to recover, I would say that the question of the test of commercial value became an important factor. I should surely expect any deposit alleged to be mineral to be such a one as would justify the simplest practice in the industry in which it was used.

Q. Is there any well defined dividing line between low grade or impure nonmetallic substances which would not constitute a valid discovery, and nonmetallic substances which do constitute a valid discovery?

Mr. REDDING.—May I ask, Mr. Murphy, what you mean by low grade?

Mr. MURPHY.—Impure.

A. To establish such a line is extremely difficult, and it is in such cases that other factors aside from the test of special value and exceptional quality must be given weight. I have illustrated the use of the impure limestone and the pure limestone. Essentially these substances depend on their use, for use in a smelter for flux, upon the presence of calcium carbonate or lime. It would be extremely difficult to arbitrarily set any particular percentage of purity as the lowest limit of purity which would be permissible for using limestone for flux in a smelter. The proper test would be the test of good practice in the smelting industry. I can conceive of a situation where a smelter might be so situated in an inaccessible place as to make necessary the use of an impure

(Deposition of Joseph Jensen.)

limestone that would not be good practice in the smelting industry, even though the smelter was making use of such an impure limestone. [430] If this usage fell outside of the limits of reasonably good practice in the smelting industry, I would not consider it as justifying a placer mining location. This would be because of its commonness since the limestone would owe its value to its presence near the smelter, rather than to anything within itself.

Q. Such a dividing line between pure and impure nonmetallic substances would be therefore, in your opinion, the point between exceptional value and common occurrence?

A. That would be the dividing line I would draw between exceptional value inherent in the deposit and balanced against the commonness of the occurrence. I can illustrate this further, by taking common salt. Practically every desert basin in Nevada contains some common salt and some alkali on the surface. These could be, by some expensive chemical processes, extracted, but not commercially. I would expect a deposit of salt, or of soda, to be outside of this common occurrence and in a special class; that is, to be a rare occurrence which would impress upon the land itself the value.

Q. Coming now to gypsum as a mineral and a commercial product, what are the uses and value of gypsum?

A. Gypsum is used for making the ordinary plaster of Paris, but when put to such use it must be extremely pure. It is used in the making of plate

(Deposition of Joseph Jensen.)

glass and in the making of plaster. In fact, gypsum mills are usually called plaster mills because of the fact that the product which they turn out is used for plastering purposes. Thus, gypsum is used in making the hard white finish for houses, for finishing interior walls of houses. It is also used as a land plaster. Gypsum is further used in the making of Portland cement. In making plate glass, since the gypsum is merely one of the ingredients, the manufacturer must have a pure gypsum, because its final product is going to be the result of [431] mixing several different materials. In the Portland cement industry gypsum is used to act as a retarder. If the klinker produced in a Portland cement mill after the burning of the intimately mixed and fine-ground limestone and shale is pulverized and ground very fine, the powder will almost immediately set when mixed with water. If a small quantity of gypsum is added to the powder, it acts as a retarder so the cement will not set at once, but will set several hours afterwards. It is particularly important in handling cement, for the reason that if the cement began setting as soon as mixed it would be impossible for the workmen to put the cement in the place where it was desired to use it. For example, in making a house of concrete, if the concrete began to set as soon as the gravel and sand and water and cement were mixed in the mixing machine, it could not be placed in the various forms of the house. If, however, its setting quality is retarded by adding gypsum, the material can be handled in such a way that it is put in the

(Deposition of Joseph Jensen.)

forms and comes to its final resting place before it begins to set. In this way internal stresses are avoided. Now, Portland cement is used largely by the Government, and the Bureau of Standards, in conjunction with the engineering societies of the United States, has defined Portland cement as follows:

“Portland cement” may be defined as the finely pulverized product resulting from the calcination and an incipient fusion of an intimate mixture of properly proportioned argillaceous and calcareous materials, and to which no addition greater than 3% has been made consequent to calcination.”

Just how gypsum acts as a retarder is not definitely known, but experience has established the fact that the presence of sulphuric anhydride, SO_3 , is the element which the chemist must look for as being present. This quantity of SO_3 , varies in the cement practically from 1. to 1.75% SO_3 , but is generally about 1.25. Now, pure gypsum contains 46% SO_3 . To secure about [432] 1% of SO_3 would require 2% of gypsum, 100% pure. Three per cent of gypsum added to the cement would give a little less than 11½% of SO_3 . In selling cement to the Government this test is applied, and the cement maker must therefore respect his specifications and keep within the 3% of material added after the klinker has been made. In order to do so he can only use pure gypsum. If he uses a gypsum of less purity he will have to add more of it, and in this way will depart from

(Deposition of Joseph Jensen.)

the typical standard Portland cement. Good practice in the Portland cement industry, therefore, uses only gypsum having a purity above 85%.

Mr. REDDING.—What does?

WITNESS.—Good practice. Most manufacturers endeavor to secure gypsum having a purity of 90% or better. It may occur that occasional shipments may fall somewhat below their contract specifications. In some cases in case the gypsum deposit is owned by the cement company and freight has been paid on the gypsum, the cement mill will of course use the lower grade material occasionally; but it will endeavor to keep within the lower limit of 85 to 90%. Usage of gypsum containing less than 85% is not the common nor average practice in the cement industry, though here may be isolated cases where there is some departure from this practice, but I would not call them the common practice in this cement industry or good practice.

Q. In connection with your investigation in this matter, did you have occasion to visit the different officials operating cement plants in California, and ascertain what percentage of gypsum was required by them in their contracts to purchase gypsum?

A. I have either interviewed the original producers or have interviewed the cement manufacturers, I would not say for every plant in California, but for many large plants and can speak of the [433] general practice.

Q. Enumerate some of these instances.

A. I visited the plant of the Portland Cement

(Deposition of Joseph Jensen.)

Company, at Cement, California, and interviewed Mr. Montgomery, who stated that—

Mr. REDDING.—I don't want to object to your testimony on the ground of hearsay, but I would say that instead of repeating the conversation you state what facts you ascertained.

A. (Continuing.) I visited the plant of the Portland Pacific Cement Company, and found that they were using gypsum from their quarries in Nevada that ran better than 85% gypsum. As this company owns the quarry it occasionally happens that some of their shipments may fall slightly below this figure, but their average will run above. The Riverside Portland Cement Company, whose plant I visited, has a contract with the Consolidated Pacific Cement Plaster Company of Amboy, requiring the delivery of 92% material. I also visited the property at Amboy, and found that the company was shipping the same grade of material to the cement plant at Colton. This company was discarding as waste a material which contained 65% gypsum. The Consolidated Pacific Cement Plaster Company also manufactures land plaster, a plaster for finishing houses.

I visited the deposit of the Lyons Gypsum Company at King City, Monterey Co., Calif., and found that this company in 1914 was supplying gypsum to the Santa Cruz Portland Cement Company, under a contract calling for a SO_3 content of 39%. This would mean 83% gypsum.

I visited the plant of the Acme Cement-Plaster

(Deposition of Joseph Jensen.)

Company at Los Angeles, and found that this company was using material 88 to 90% pure. My purpose in visiting the plaster mills was to investigate further the purity of material, the purity of the manufactured [434] product sold for making hard finish in houses, and as plaster. The companies only use material or only sell material which is from 88 to 90% or better pure.

In the use of gypsum as a land plaster there is no established practice which permits the same definition and demarcation noted above. Gypsum is added to soil as a land plaster, to loosen a clay soil or to cement a sandy soil, but its practical value is due to the fact that it acts as a stimulation to the bacteria which live at the roots of nitrogen-producing plants, such as alfalfa. For this reason, gypsum is best used on alfalfa fields. If, for example, a farmer desired to put a wagon load of 100% pure gypsum on a field, the same result would be accomplished by using two wagon loads of 50 per cent material. So far as that matter is concerned, he could also use ten loads of 10% material. The only limit to its usage would be the question as to how much waste material he would care to distribute with his gypsum. So far as its effect on the alfalfa is concerned, two wagon loads of 50% material would accomplish the same result as one wagon load of 100% material. Gypsum is also used as a substitute for limestone on soil. In this usage, gypsum is at a distinct disadvantage as compared with limestone. Pure gypsum contains 32% lime. Pure limestone contains 56% lime. One

(Deposition of Joseph Jensen.)

ton of limestone would therefore furnish one and three-quarters as much lime as one ton of gypsum. Gypsum may be used as a substitute in such cases for limestone where the limestone is not accessible, but it would not be good practice for liming soils.

Q. In connection with the use of gypsum as a land plaster in California, did you make any investigation to ascertain how extensive this use was?

A. Yes. I visited the producers and also the purchasers of the material. [435]

Q. What did you ascertain?

A. Also examined the records of production made by the U. S. Geological Survey, as to the production of gypsum. In 1909, according to the U. S. Geological Survey, California—

Mr. REDDING.—What are you reading from?

WITNESS.—I am reading from some notes of the survey, but I have some notes in my hand of my own, and I can read from them. I am now reading from the report of the U. S. Geological Survey on the gypsum industry in 1909. This is the use for land plaster only. “California, Nevada and Oregon, 5,824 tons, value \$19,474.” The one for 1910 is missing, but in my notes I have California alone: 4,960 tons; value, \$14,185. Reading from the reports again:

| | | | | |
|------|------------------|------------|-------|-----------|
| 1911 | California alone | 7,399 tons | Value | \$18,280. |
| 1912 | Do | 7,055 | “ | “ 17,835. |
| 1913 | Do | 6,209 | “ | “ 15,700. |
| 1914 | Do | 5,199 | “ | “ 14,334. |

Mr. REDDING.—This is what?

(Deposition of Joseph Jensen.)

WITNESS.—The use of gypsum as a land plaster in the State of California except for the year 1909, when the Geological Survey included the usages in Oregon and Nevada as well.

Mr. MURPHY.—Q. What did you ascertain in your investigation in the San Joaquin Valley of the use of gypsum for land plaster by the farmers in that vicinity?

A. I found that the use of gypsum was decreasing; that the farmers preferred a gypsum of very high purity in preference to lower grade gypsum, even though the condition was as I have pointed out, that two wagon loads of lower grade material would accomplish the same result as one of the higher grade material. In connection with the various sources of gypsite, I learned that the producers and the farmers were embarrassed because of the fact that the gypsite which was formerly produced in the oil-fields rotted [436] the sacks, so that the oil-field producers who formerly operated could only operate on orders.

Q. What did you ascertain as to the production of gypsum for local consumption in the San Joaquin district?

A. I visited, in October, 1915, the deposits at Coalinga, McKittrick and Taft, and endeavored to learn if any production has been made at the deposits in any of these districts, which, of course, would be the entire west side of the San Joaquin Valley. I found that there was no production at Coalinga, Fellows, Taft and Maricopa. At McKittrick I found that one

(Deposition of Joseph Jensen.)

carload of gypsite had been shipped during the preceding year.

Q. You may state whether or not you ascertained since that time if any of the small gypsum producers in the San Joaquin Valley are still operating?

A. I found no gypsum properties in operation at the time of my visit, and have seen none operating during the three years that I have been working in the oil fields of California, with the exception of the Tulare Oil & Mining Company, which was doing assessment work in a low grade gypsite deposit in the McKittrick district. That is the only case on the west side I have observed during the three years I have been in the oil fields up to the present time. I might state that during my examination in the Lost Hills one trench was made for assessment work, made by the Universal Oil Company on Sec. 18, which is unpatented land and not land involved in this hearing.

Q. What have you to say, Mr. Jensen, as to the relative distribution of gypsum and limestone in the San Joaquin Valley?

A. First as regard to real limestone and real rock gypsum. In the gypsite belt of the San Joaquin Valley there is no limestone and there is no gypsum. There is some gypsite and [437] a great deal of gypsiferous earth; in fact, gypsite and gypsiferous earth are much more widespread than limestone, California as a State, as compared with other States in the west, is particularly deficient as to good deposits of limestone.

(Deposition of Joseph Jensen.)

Q. What bearing has that on the value of gypsite deposits?

A. It only has this bearing in the test which I previously indicated which I apply to mineral discovery on placer claims, that the gypsiferous earth and the superficial gypsite deposits are not rare deposits but that they are common and widespread and impart no special value to the land, since they lack exceptional quality and special value and must needs depend upon their usage in the future, if ever developed, upon their being located close at hand to some industrial community, rather than because of anything in themselves. This gypsiferous earth, say for example, contains 20% gypsum, if near to a farm distant from a railroad would be more readily available to a farmer for uses of land plaster than a 100% product at the railroad. Consequently, I can conceive of his using five loads of gypsiferous earth on his farm as a land plaster rather than sending to the railroad and purchasing 100% material.

Mr. REDDING.—What percentage of gypsum must exist in gypsiferous deposits to receive your stamp of approval as being a placer mineral discovery?

WITNESS.—I should say that, assuming the quantity is there to justify operations on an ordinary commercial scale, a deposit would have to be such that it could produce in the manufactured article a product, 80 to 90% pure for the reason that deposits of less purity are so common and so widespread that they cannot be classified as rare.

(Deposition of Joseph Jensen.)

Mr. REDDING.—Well, do I understand that your definition of a placer deposit is that it has to be rare?

[438]

WITNESS.—Not that it has to be. That is, if it is a deposit of a nonmetallic substance, such as limestone, it must be a deposit which has inherent in it qualities which make it of value.

Mr. REDDING.—It might extend over a hundred square miles.

The WITNESS.—If it contained a hundred square miles and were within an agricultural region and imparted no value and had no value inherent in itself, I would say it would not be a placer discovery. There are recorded beds that extend for long distances through the country which contain sand for making cement or making mortar, and contain deposits of gravel for making cement, constructing houses or road purposes, but I would say that deposits of that character even though having a commercial character, are so common and known not to be rare, and therefore do not justify taking up the land as a mineral placer deposit.

Mr. MURPHY.—Q. In your investigation of the use of gypsum as a land plaster in the San Joaquin Valley, did you ascertain whether or not it had been used by the farmers under an erroneous impression of its effect upon the land?

A. Yes; I found that the farmers of the valley thought that it had a special food value to the plants; but it has no such value, and much of the gypsum which had been used and had been misused because

(Deposition of Joseph Jensen.)

of this false impression. Gypsum of course can be used to neutralize black alkali in the soil, but this practice is not frequently followed in the State owing to the fact that the gypsum must be applied by an expert and a soil analysis must be made in order to apply the particular method of treatment. Some farmers find that it is better to go without and leave the black alkali than attempt to fight it. But, of course, gypsum is such a substance, and, in fact, the only substance which can readily be used to neutralize [439] black alkali in the soil.

Q. In connection with this line of testimony regarding the use of lime and gypsum on California soils, I desire to call judicial attention to a publication by the University of California, College of Agriculture, which is an agricultural experiment station, dated December, 1913, Circular No. III, entitled "The Use of Lime and Gypsum on California Soils," by Chas. B. Lipman; and request that a copy of this circular be attached to the record as Government's Exhibit "B."

(Whereupon it was agreed by stipulation between counsel that this exhibit be omitted from the printed record; that counsel may have the privilege of quoting from the same or reading from it upon the oral argument, the same appearing at length as exhibit "A" to the affidavit of M. C. Seagrave, record page —.) [440]

Mr. REDDING.—I will ask you, Mr. Murphy, what do you mean by "judicial attention."

Mr. MURPHY.—Professional papers of this kind

(Deposition of Joseph Jensen.)

are a subject of judicial attention.

Mr. REDDING.—We have no objection to the introduction of this document for the purpose of illustrating Mr. Jensen's testimony, but we object to the contents of the document as proving the statement of fact therein; as being incompetent for that purpose.

Mr. MURPHY.—Q. Where are the lands involved in this proceeding located?

A. They are located in the Lost Hills, in Kern County, California.

The WITNESS.—(Continuing.) They are approximately twenty-five miles from the railroad. The nearest shipping point in use is Wasco, on the Santa Fe. I endeavored to ascertain whether or not there was any market for gypsum at Wasco. I inquired of residents and merchants there.

Q. What did you ascertain?

A. I found that no gypsum was being used at all. I also made the same inquiry at Bakersfield, and found that the merchants had discontinued selling gypsum since there was no particular demand [441] for it.

Q. In what form or forms did you find gypsum deposited on the lands in question?

A. I found gypsum occurring as a gypsite deposit which I have described as "amorphous" gypsite, for the reason that to the naked eye the fact that it contains crystals of gypsum is not apparent. This deposit is superficial, of variable extent and thickness, it usually has a white color, and can be distinguished

(Deposition of Joseph Jensen.)

by one familiar with gypsum. Then, in addition, there is an earth containing so little gypsum that I can only describe as "gypsiferous" earth; that is, it contains less than 50% gypsum, and is consequently earth and not the gypsite which I have called "amorphous" gypsite. Then there is the occurrence of gypsum crystals occurring as layers and lenses in the earth strongly cemented together and containing earth between the crystals and also enclosed inside the crystals so as to give the crystals sometimes a dirty or earthy or brown color.

Q. I invite your attention to sketch entitled "Concentrated Amorphous Gypsite," marked Government Exhibit "C," and ask if you prepared this sketch. A. I did.

The WITNESS. — (Continuing.) This sketch really represents a summary of the general characteristics of the amorphous gypsite and the earth which occurs beneath it—the earth and other materials which occur beneath it. It is typical of the formation occurring in the Lost Hills on the claims in question.

The upper layer marked "Surface soil" and shaded in green represents the surface soil which usually occurs as a layer overlying the amorphous gypsite. The part colored in light red a little below the surface soil, marked "Amorphous gypsite" represents [442] the white amorphous gypsite which I have previously referred to as occurring throughout the Lost Hills, and throughout the west side of the San Joaquin Valley, and along the flanks of the Diablo

(Deposition of Joseph Jensen.)

and Temblor Ranges. In it there are green patches that represent "inclusions" of practically pure earth or soil found within the amorphous gypsite. The part immediately below the reddish field, marked "Original layer—gypsum crystals and earth—or gypsiferous earth without crystals," represents the amorphous gypsite layer beginning in purity very rapidly so that very often less than a foot below the surface, or a foot and a half below the surface, it cannot be called amorphous gypsite, but is really earth containing some gypsum and is therefore described as "gypsiferous earth." Sometimes amorphous layer is underlain by earth containing gypsum crystals.

The portion of the sketch immediately below entitled "Original layer of earth" represents a layer of earth which is free from gypsum, either as gypsite or gypsum crystals or gypsiferous earth. In my sketch I have illustrated it as being a foot thick, but actually it is often many feet before one again encounters another layer of earth containing gypsum crystals.

The portion of the sketch immediately below the part which I have just described is cross-hatched in red and contains horizontal lines in green. It represents an original layer of earth containing gypsum crystals.

The lowest portion, in green, represents another layer of earth which contains no gypsum or gypsite. These various layers are not uniform layers spread throughout the country, but are local lenses and patches that will thin and thicken from place to place,

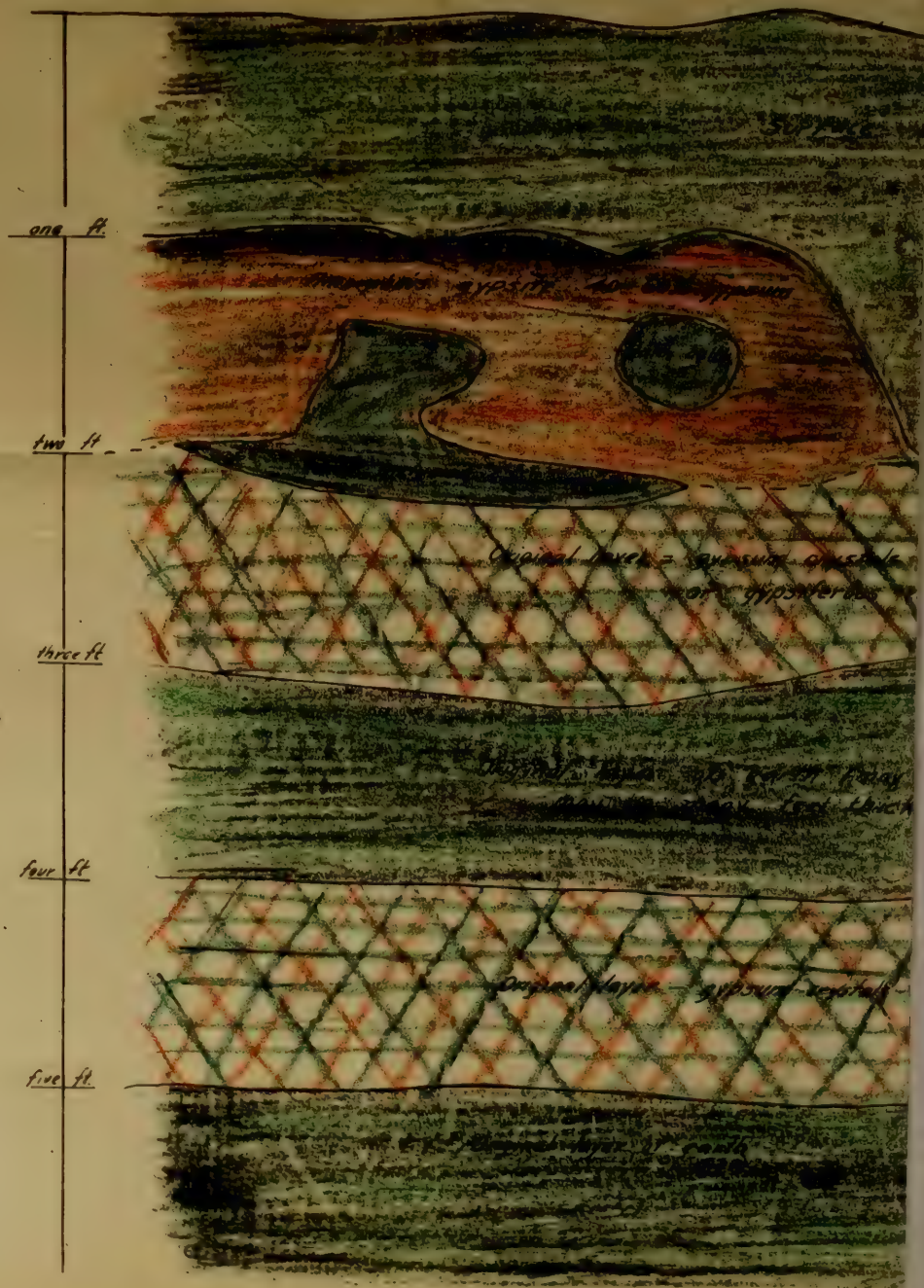
(Deposition of Joseph Jensen.)

that may be replaced by other lenses of like character.

This sketch was prepared to illustrate the manner in which the gypsite and gypsiferous earth and gypsum crystals occur on the [443] claims involved in this proceeding.

Mr. MURPHY.—We now offer in evidence sketch entitled “Concentrated Amorphous Gypsite,” and marked Government’s Exhibit “C.” [444]

SKETCH SHOWING CONCENTRATED



76-A-37-Ex 218 as Orie's Documents and
" A-52- " " Last Hills Highway
" A-57- " " " " " " " " " " " "

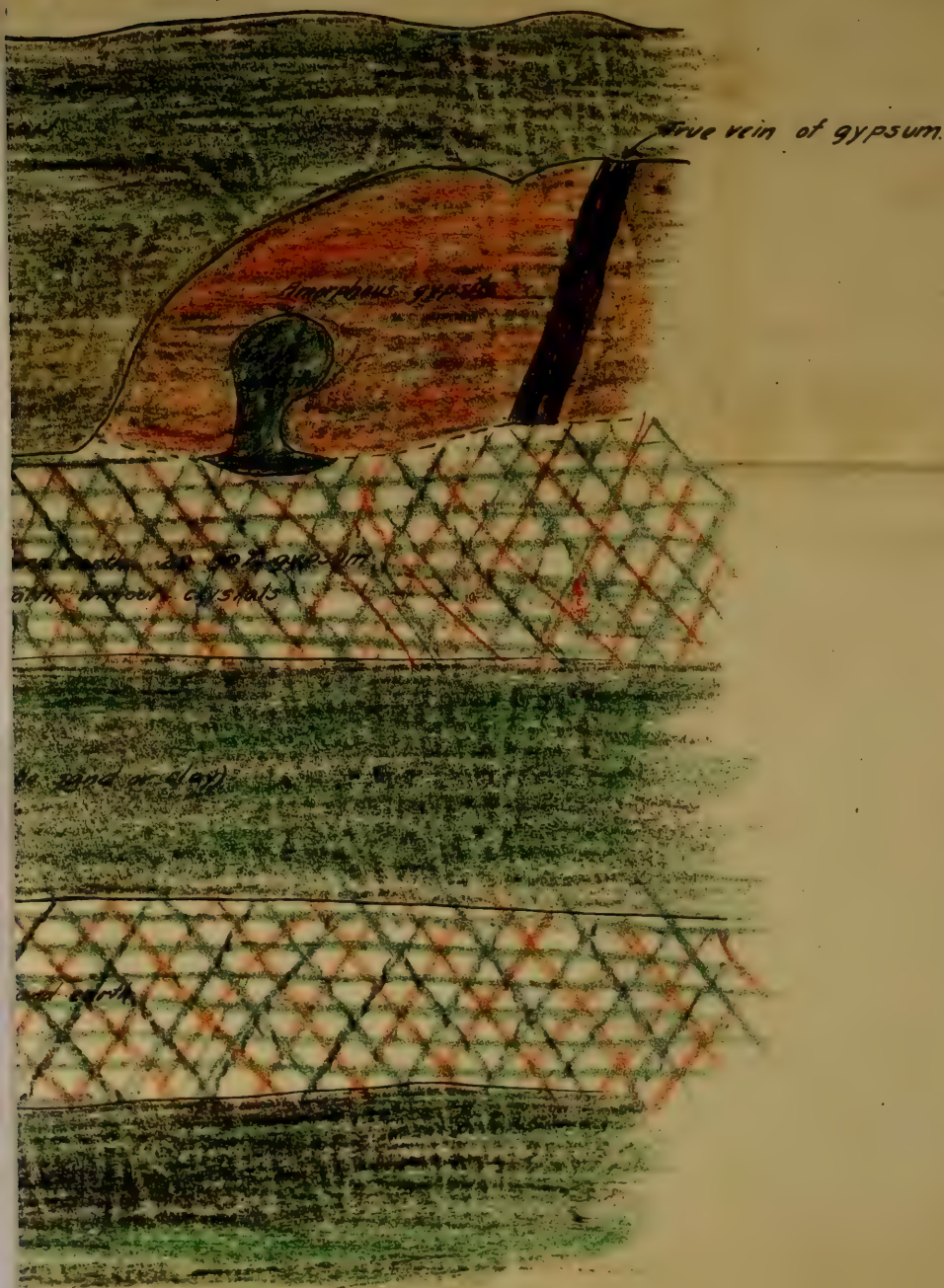
Plaintiffs Exhibit "C"

Feb 22 - 1916.

M^{re} W. Van Dyke sent

By J. J. Green, Deputy Clerk

D 'AMORPHOUS' GYPSITE.



(Deposition of Joseph Jensen.)

Mr. REDDING.—Will you allow me to reserve my objection on that, to put in later? Is that agreeable?

Mr. MURPHY.—That is agreeable.

April 6th, 1916.

The WITNESS.—I desire to make one or two further explanations of my testimony yesterday. With regard to the expression “rare” I do not like this as expressing my idea, but would rather use the words “exceptional quality” as distinguishing from “common occurrence.”

Mr. REDDING.—May I ask a question in the record? Do you consider the phrase “chiefly valuable” as determinative of the quality?

WITNESS.—Not necessarily, for the reason that there may be cases where, as a present value, land is chiefly valuable for grazing but is nevertheless classified, for example, as coal land. To give a concrete illustration, on Cedar Mountain in southern Utah, grazing land is selling for ten to twelve dollars an acre. This is summer range, good only for three months’ use. Cedar Mountain is underlain by a workable coal bed. Economic conditions in this part of the State give absolutely no promise that the land containing coal in inaccessible places and more than a mile distant from the outcrop, and only accessible by shafts 2,000 feet deep or more, will be worked within the present generation. The land has been classified by the Geological Survey as “coal” land, and appraised at ten dollars an acre. As an actual matter of fact, the coal rights under [445] patented lands have been sold for as little as fifty cents

(Deposition of Joseph Jensen.)

an acre, so that here we have a grazing value much in excess of the coal value at the present time. In the same way, a piece of waste land near a small community may be chiefly valuable for gravel and have no value for grazing. I would not consider the fact that the gravel gave the land its chief value the basis for a mineral classification, for the reason that gravel gets its value because of its proximity to the community and not because of any exceptional quality inherent within itself.

With regard to the illustration made of a deposit of exceptional quality covering an area a hundred miles square or a matter of ten thousand square miles as illustrated yesterday, I would first say that if such a widespread occurrence was found in one place it would be reasonable to assume that it was common elsewhere, and that therefore as to the area of ten thousand square miles such occurrence of a pure deposit would not impart a mineral value. I cannot conceive of a practical illustration of this. The nearest type of deposit which I can suggest would be one of ordinary clay, particularly in the eastern States. In the glacial deposits large beds of clay have been laid down over extensive areas. In Ohio, for example, clay from this and other sources is used in making clay products having a value of more than \$20,000,000 per year; but if the clay was fit only for making sewer pipe and ordinary brick, I would say that it did not constitute a practical basis for a mineral classification.

With regard to the use of lower grade gypsum ma-

(Deposition of Joseph Jensen.)

terial at cement plants, I will state that at Riverside the cement company attempted to use gypsite but abandoned the practice. With regard to the use of gypsum as a land plaster, while I have illustrated that any grade of material may be conceded as useful for land plaster purposes, my examination in the fall of 1915 in the San [446] Joaquin Valley disclosed the fact that no land plaster of a purity below 85 to 90% was being offered for sale, with the single exception of the one carload of gypsite from McKitt-rick that I mentioned. The Consolidated Cement-Plaster Company of Amboy formerly endeavored to sell a land plaster containing 65% gypsum, but was compelled to take this off the market because the buyers insisted on handling a higher grade product. This 65% material was a waste product which the Company hoped to utilize, and only needed to sack before selling. It was very uniform in character and of such fine texture that it would immediately act in the soil.

With regard to the use of gypsum as a substitute for lime, at the present time very pure limestone can be purchased in the San Joaquin Valley for less than very pure gypsum, so that limestone now has an advantage of price and a content of one and three-quarters times as much lime as gypsum.

Q. What is "amorphous" gypsite, how does it occur on the lands in question, and how does it differ from gypsum?

A. The expression "amorphous" gypsite is technically in a strict scientific sense an improper usage,

(Deposition of Joseph Jensen.)

but it has become common usage in referring to the superficial surface deposits found in the west side of the San Joaquin Valley. As the deposit occurs in the ground it is very open, so that one cubic foot only weighs 80 pounds or thereabouts. Rock gypsum, on the other hand, weighs 144 pounds to the cubic foot. A ton of gypsite will therefore extend over a larger area than a ton of rock gypsum in their natural condition in the ground, but of course a ton of each type of material will only have the same chemical properties when used for any industrial purpose, such as in cement making or as land plaster. This "amorphous" gypsite is a secondary deposit which has been derived through leaching the gypsiferous earth. This leaching has been done by [447] ordinary rain water, which works into the ground for a few feet during the short rainy season. In this district only about four to six inches of rainfall in each year. The storms are so distributed that the ground is never soaked thoroughly to great depth, but of course is soaked to shallow depths such as three or four feet beneath the surface. Following this rainy season the water is again drawn to the surface because of the intense heat through the summer. While gypsum is relatively insoluble in water, through very, very, very long periods of time this leaching of a gypsiferous earth near the surface will result in the deposition of a small quantity of amorphous gypsite from the waters which have been raised through the heat of the sun. This deposition by capillary action is well illustrated by the ordinary occurrence of al-

(Deposition of Joseph Jensen.)

kali in irrigated districts. After irrigation, when the sun dries the ground an effervescence of alkali will be found on the surface. The deposition of this layer of amorphous gypsite has occurred in the same way. Because of the fact that gypsum is less soluble in water than an ordinary alkali, the water will deposit its gypsum much sooner than it would alkali. Consequently, the amorphous gypsite sometimes is deposited a short distance below the surface rather than at the surface; say, for example, six inches to two feet below the surface. The formation of this amorphous gypsite represents a concentrating action, so that in most cases the amorphous gypsite is richer than gypsiferous earth from which it has been derived. This deposition of amorphous gypsite could only occur therefore in those parts of the hills where a small bed or lens of gypsiferous earth occurs near the surface. The action of the water sinking in the ground and again coming to the surface does not represent a circulation of water to great depths, but represents only a circulation through relatively small depths. In other words, this concentration of gypsite is itself superficial. The fact that [448] the water does not sink to great depths is shown by excavations made during the winter periods. It is also shown by the type of vegetation which flourishes. This vegetation consists entirely of sage brush and fox-tail grass. By the month of May the fox-tail grass has lived its life and is dead. However, the best evidence of the fact that the water does not circulate to great depths to leach gypsiferous

(Deposition of Joseph Jensen.)

earth is shown by test pits that do not show the water sinking to great depths. In addition to this fact, where the original formations have been exposed by digging cellars for oil derricks, layers of gypsiferous earth or layers of gypsum crystals in earth will be found separated by clay beds that would prevent circulation of water. Again, they will be separated by sandy beds that would have encouraged the circulation, but which would also have encouraged the deposition of gypsum between the sand grains. In other words, cellars sunk to depths of 15 to 20 feet give evidence of the fact that the formation there is relatively unaltered by the phenomena which has resulted in the formation of the amorphous gypsite. However, by stating that the original formation is unaffected by the phenomena that has caused the precipitation of the amorphous gypsite, I do not mean that other agencies at the same time may not have so worked as to make some sort of a partial concentration in the beds of gypsiferous earth found at some depth below the surface. Since gypsite is a concentration from the gypsiferous earth below or from the earth containing gypsum crystals, it is clear that it must represent the richest type of deposit to be found. I have failed to explain that the amorphous gypsite is richest at the line of division from the surface soil above, or at its top or in its uppermost portion. From this point as one digs deeper the material becomes less pure. At the top of such a layer the material may be properly called gypsite. [449] At its bottom it is clearly

(Deposition of Joseph Jensen.)

gypsiferous earth. The distance between the top and bottom of such a layer may be as much as $2\frac{1}{2}$ or 3 feet. The point at which one draws the dividing line between the gypsite above and the gypsiferous earth beneath, since there is a gradual change, must be a more or less arbitrary one. In some cases the layer is as thin as an inch or two; in others it may be a foot thick, less often one and a half feet thick, and rarely two feet thick. The remaining portion of the whole layer will be so earthy that examination by visual inspection convinces one that it should be eliminated from material called gypsite.

In some cases the gypsite does not cover gypsiferous earth but covers earth containing gypsum crystals. In those instances the layer may vary from being absent to being as much as a foot to fifteen inches thick. In the lower three inches of the fifteen inches, however, there may be a small zone containing gypsite and gypsum crystals in earth. Below this there will be no amorphous gypsite, but the layer will consist entirely of earth containing gypsum crystals. The amorphous gypsite usually has a hard upper surface, particularly where it has been exposed. In some cases, however, even the amorphous gypsite buried a foot below the surface of the ground has a hard upper surface.

It is impossible to summarize in one statement all of the varying thicknesses that this amorphous gypsite layer has not, even to state its purity except between rather wide limits, as has been done on my sketch already submitted. However, in no case,

(Deposition of Joseph Jensen.)

with but one exception, in the five claims in question, did I find a layer of amorphous gypsite more than eighteen inches thick. From the very definition which I have given, the thickness of this layer of amorphous gypsite becomes a matter of judgment of the person examining the deposit. [450]

The WITNESS.—(Continuing.) If I were to give a very definite definition of “amorphous” gypsite, I would confine it to a layer of redeposited gypsum, usually not more than 6 to 8 inches thick, which has resulted from the leaching of gypsiferous earth or earth containing gypsum crystals, and which has been deposited by surface waters that have been circulated in the gypsiferous material, and then have been drawn to the earth by capillary attraction due to the heat of the sun. This material is of a whitish to creamy color. What I have tried to explain is, that while the top of this layer is absolutely definitely marked by an irregular line—while the top of the layer is definitely marked as to its separation from the surface soil, the bottom of it is not definitely marked because the material decreases in purity with depth. Of course the hydrated calcium sulphate which occurs in this amorphous gypsite is real gypsum and possesses all of the properties of gypsum and can be used for all the purposes for which gypsum is used within the limits that I have previously indicated in my testimony. In a general way, this amorphous gypsite has been formed on higher places, that is, slight elevations, such as gulch banks or points where there is a change in the

(Deposition of Joseph Jensen.)

surface contour. It is never formed in the bottom of deep gulches or ravines, but may be formed on their banks.

This amorphous gypsite can be distinguished from gypsiferous earth: where it is pure enough it can be recognized by its whitish or creamy color; perhaps its color is the best way to describe it. Where it is not pure enough, where it gradually grades into a gypsiferous earth, one must finally draw an arbitrary line. It occurs as a porous substance, not as a solid substance. Its upper surface is never a smooth plane, but always an irregular surface; even more irregular than the surface of the ground, and very often paying no respect to the surface of the ground. [451]

Q. Did you find this amorphous gypsite occurring in a blanket formation beneath the entire surface of these claims or only in spots?

A. Only in spots.

Q. In your explanation of the sketch marked Government's Exhibit "C" you refer to certain "earth balls," and "inclusions." I wish you would explain what they are and how they occur in the amorphous gypsite.

A. I can only state that within the amorphous gypsite layer where it has been examined I have very often found "inclusions" of earth practically devoid of gypsite. Sometimes these "inclusions" have been entirely surrounded by gypsite, and at other times they have been connected with the earth below. It is difficult to suggest any theory as to the

(Deposition of Joseph Jensen.)

manner in which they are formed; the fact is that they are there.

Q. What, if any, effect would such "inclusions" have on mining a layer of amorphous gypsite?

A. Such inclusions would necessarily be mined with the amorphous gypsite; and while they occur frequently they are usually so small that it would be impossible to separate them even by using a pick and shovel. They would necessarily form a part of the mined product, therefore reducing its purity as compared with the amorphous gypsite which surrounds it.

Q. What effect would the uneven upper surface of the layer of amorphous gypsite have on mining operations?

A. If an attempt were made to remove this one foot or less layer of amorphous gypsite, it would be necessary to strip the surface soil from off the gypsite. If the upper surface were a perfectly smooth line or plane it would not be so difficult to scrape the dirt away, but since the surface is warped and irregular any [452] stripping of soil with a scraper would result in removing the high places of the gypsite surface and filling the low places and leaving the low places filled with earth. If the stripping were continued so as to remove all of the earth, it would at the same time remove so much of the principal part of the amorphous gypsite, which is also the richest part, as to materially decrease the product which should be secured in mining the amorphous gypsite itself. This irregular surface would also interfere

(Deposition of Joseph Jensen.)

with the scraper work since it is very hard in many places and would therefore retard the scraper. If an attempt were made to use a plow, the point of the plow would break into the hard surface and naturally tear up and tend to mix gypsite in the soil and soil in the gypsite. In order to completely remove all of the soil it would be almost necessary to remove the gypsum.

The WITNESS.—(Continuing.) There would not be any practical method of taking off that soil except with a scraper; that is, in any large scale of operations it would never pay to hire a man to sweep the dirt off with a broom. All mining of these deposits results in the removal of a certain amount of waste in the mined product.

Q. Referring again to exhibit "C" there appears what is designated as "True vein of gypsum," marked by lines crossing the layer marked "Amorphous gypsite." Please explain what the significance of this feature is.

A. This represents a common occurrence in the gypsite layer. The gypsite in such veins is richer than the material on either side. The vein matter is also much harder. This "True vein of gypsum" is one of the best samples I know of to represent what we call "a vein of segregation." The gypsum has been segregated from the gypsite into this vein and has resulted in forming [453] a true vein separate from the gypsite.

Mr. REDDING.—What do I understand to be the definition of gypsite?

(Deposition of Joseph Jensen.)

WITNESS.—You mean amorphous gypsite?

Mr. REDDING.—Amorphous gypsite?

WITNESS.—No; I was mentioning a true vein of gypsum.

Mr. MURPHY.—Q. Now, you say below the layer of amorphous gypsite is found what has been designated as “Original layer,” composed of either gypsiferous earth containing crystals or gypsiferous earth without crystals. What is the average thickness of such beds?

A. In some cases I have found a bed of that character as much as a foot and a half to two and one half feet thick, but it was not of uniform character.

The WITNESS.—(Continuing.) Generally speaking, that layer is about one and a half feet thick. It merely represents a bed which has not been changed by this leaching process. These crystals occur scattered through the earth and interlocking with each other sometimes so as to form a very tough mass. Generally speaking, the crystals are about the size of a bean or smaller.

Mr. REDDING.—You are speaking now of gypsum crystals?

WITNESS.—Of course crystals in the earth, but occasionally fragments of crystals as much as an inch and a half long have been found. But such crystals are rare—such fragments are rare specimen fragments rather than typical of the entire mass. Then again these crystals may interlock into each other so as not to be distinguished.

Q. Generally speaking, what per cent. of such a

(Deposition of Joseph Jensen.)

bed is composed of crystals and what per cent earth?

A. For the most part, such beds are more than 50% earth and less than 50% crystals, although there may be exceptions. The [454] crystals in the earth may amount possibly to 60%, but generally speaking, the crystals constitute less than 50% of the entire mass.

Q. Would it be practical to separate these gypsum crystals from the earth or put such material through a common process of refinement whereby the gypsum could be made marketable?

A. It would not be practicable or economical. There are a large number of factors which would prevent such an attempt.

Q. Do you know of any process of refining such crystals?

A. There is a plant which handles material carrying gypsum crystals, located at Amboy, but the deposits on the land in question have absolutely no right to be compared to the deposit at Amboy as a source of raw material. The deposit at Amboy is one that has formed in a recent lake, which is now dry. There is practically no surface hardly of soil. The bed is so thick that it forms a working face of 6 to 10 feet. The lower working limit is not determined by the purity of the product, but by moisture which occurs beneath the surface at 10 to 12 feet. An average sample of the material occurring in this six to ten-foot layer at Amboy would carry about 90% gypsum. In fact, the material could be mined and crushed fine without any further treatment.

(Deposition of Joseph Jensen.)

The individual grains are usually independent of each other, or at least are not so strongly cemented together that any particular amount of crushing is necessary to make them spring apart or separate.

The material at Amboy after being crushed in the coarse crusher, is passed through a drier, and then as it falls over riffles through a considerable distance it is subject to an air suction which is strong enough to suck away the fine material from the falling crystals. After this treatment the crystals must be ground in bur mills before the product can be used for land plaster. If it is to be used for wall plaster it must be calcined. The waste material produced [455] at this mill carries 65% gypsum; hence, the waste material thrown away at this mill is richer than the earth with gypsum crystals which could be secured on any of the claims involved in this proceeding. Considering any individual crystals, the crystals at Amboy are pure gypsum. The crystals found in the earth in the Lost Hills contain so much earth as to give them a brown color. This earth is locked within the crystal itself, and absolutely no method of refining can remove it. The beds in the Lost Hills are so thin that the cost of mining would be from three to four times as much as at Amboy.

The plant at Amboy has cost approximately \$150,000.00 and represents several years of experimental operation, during which time the deposit did not pay. Even at the present time success of operations depends on handling large tonnages at a small margin of profit. If the feed of the mill were decreased

(Deposition of Joseph Jensen.)

in purity by one-half, such as would result by using material from the Lost Hills, the result would be that a less amount of gypsum would be secured and that the operating costs would be more than doubled. I say more than doubled for the reason that in the Amboy deposit the earth occurring with the crystals is merely a fine dust between the grains which separates out and can be blown out or sucked out of the falling current. In the Lost Hills there is so much earth and it is of such a granular character that when first crushed it would break into grains the same size as the gypsum crystals. Consequently, somewhere in the process of refining the product would consist of fragments of earth and crystals of gypsum of the same size and of equal weight, so that no separation by means of an air current would be practicable.

One other important factor to consider is, that while the crystals at Amboy are only loosely locked together so that a slight pressure will release them from each other, the crystals at the [456] Lost Hills are tightly locked together and interlocking, so that any attempt to crush them to release the earth by the methods employed at Amboy would be impossible. In the next place the erection of a mill costing \$150,000 must be predicated upon a deposit containing a large quantity of material. There is no such quantity of material available in the Lost Hills in the claims in question. Such a mill to operate successfully must have a uniform feed within reasonable working limits. The deposits in the Lost

(Deposition of Joseph Jensen.)

Hills cannot, under any conditions, furnish a uniform feed.

The point to consider in this problem of concentration, however, is that at Amboy material more than 90% is being refined. In the Lost Hills if an attempt were made to use the same methods, the material supplied to the mill would not run 50% gypsum. The result of this would be that the operating costs of the mill would be much more than doubled. In addition to this fact the Lost Hills material would increase the cost of mining from three to four times that of Amboy. In a plant which has only demonstrated its practicability after three or four years of experimenting, it is clear that such process could not be applied to material of such different gypsum content.

Q. In your opinion, it would not therefore be practical to attempt to mine the deposits of gypsiferous earth either containing crystals or without crystals found on the lands in question?

A. Did you mean mining or concentrating?

Mr. MURPHY.—We are only dealing with the layer of gypsiferous earth which occurs below the amorphous gypsite.

A. The deposits of gypsiferous earth are absolutely without merit, and could not be considered at all. The layers which contain crystals in the earth—containing gypsum crystals in the earth—cannot be used. With regard to the layer of earth containing [457] gypsum crystals, it would not be practical to attempt any form of mining or concentration to im-

(Deposition of Joseph Jensen.)

prove the purity of the material.

Q. In your opinion, would it be practical to mine the deposits of amorphous gypsite found on this land as distinct from the gypsiferous earth with or without crystals?

A. It most assuredly would not be economical at present.

Q. Why not?

A. Because the amorphous gypsite is too poor in quality to warrant its being used for any purpose, according to standard practices at present.

The WITNESS.—(Continuing.) It would not be practical to mine the combined layers of amorphous gypsite and gypsiferous earth containing crystals or without crystals. If an attempt were made to mine the two together, it would result in even more confusion, because the earth with crystals would decrease the purity of the amorphous gypsite. If an attempt were made to treat in a concentrating mill the combined product, the amorphous gypsite would interfere with the successful operation of the concentrating mill.

Q. To what depths do these alternate beds of gypsiferous earth with or without crystals extend upon any of the claims?

A. A person's observations on the claims are limited to the deepest workings. In my examination I found no cellar that was more than 15 to 20 feet deep. In some of these there were no such alternating layers. In others, part of the shaft would contain alternating layers and the balance

(Deposition of Joseph Jensen.)

would consist entirely of earth. Based, however, on the general geology of the Etchegoin formation, it is reasonable to assume that this condition would be found at greater depth than 15 or 20 feet, but my observations were limited to the beds exposed by workings. I would state, however, that there is nothing which was found in the cellars or shafts that warrants the hope or assumption that the material will improve in quality with [458] depth. There is also nothing connected with the general geology of the Etchegoin formation that would justify such a hope.

The WITNESS.—(Continuing.) The amorphous gypsite is always richer than the gypsiferous earth below. I made tabulations as a result of analyses showing the comparison in purity of the amorphous layer and the gypsiferous earth below. I have these tabulations here, but I can read from my original notes. I will read this from my original notes and then I will give the tabulation and the amounts, if that is satisfactory.

On the NE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of 32, there is an 8-inch layer of amorphous gypsite which contains 61.12% of gypsum. The gypsiferous earth below was 6 inches thick and contained 51.45% gypsum.

On the NW. $\frac{1}{4}$ of SE. $\frac{1}{4}$ of 30, the amorphous gypsite layer is 6 inches thick and contains 58.67% gypsum. The gypsiferous earth below was a foot thick and contained 38.37% gypsum.

In making my comparison of the Lost Hills crys-

(Deposition of Joseph Jensen.)

tals and earth with the Amboy deposit, at some points in the Lost Hills the crystals are not found interlocking but are found loose in the earth. In these cases, however, the material contains nearer 40% gypsum than the figure which I gave above. The practical result would be the same, for there would be so much earth mixed with them that no plant similar to the one at Amboy could refine the material, and again, as noted above, quantity of this type of deposit has not been proven to exist so as to warrant such an expensive installation.

My examination of the land in question in order to determine their value for gypsum deposits was made by carefully inspecting the deposit and studying its character, and then by carefully sampling a large number of exposures. I will state that I made a survey of the land and located the gypsum improvements that I found, and also located the various of oil wells. This survey was made for the purpose of subdividing the land into ten-acre [459] tracts, so as to definitely locate the various improvements. In some cases I found that oil derricks were very near the dividing lines between the ten-acre lots. In such cases, in order to confirm my determinations, I repeated the work as much as three or four times. I examined all the natural exposures and all developed exposures. I secured samples which were afterwards analysed from various exposures.

Q. What method did you employ in sampling or selecting samples?

(Deposition of Joseph Jensen.)

A. In some cases a large number of trenches had been made from 1 to 2 feet deep through the surface soil and amorphous gypsite layer. These trenches were usually in groups so that the deposit was well exposed. I would dig back from the side of the trench a short distance in order to assure securing a new surface of material, and then from the thickness which I considered represented the amorphous gypsite at that point I would take a shovel or a few shovels full of material. I would then go to the next cut and repeat this operation, measuring thickness of surface soil, the thickness of amorphous deposit, and the thickness of the bed which I sampled.

In one exposure of gypsite it would sometimes happen that there were 8 to 10 trenches. I would make from two to three cuts in each trench. Finally, I would assemble the material from each of these cuts in one large general sample. This large general sample might be as much as 100 or 150 pounds. It was thoroughly mixed on a large canvas and the large lumps were reduced. When thus mixed it was divided into four parts and the two opposite quarters were thrown away, while the two remaining quarters remained. The material was then pulverized again to break up any large lumps, and this process of quartering or subdividing was continued until [460] I made a sample large enough to submit to a chemist. By the time this subdivision had been completed the material was reduced to a powder. This is the standard method of accurately sampling.

The WITNESS. — (Continuing.) My sample

(Deposition of Joseph Jensen.)

would represent an average of the material which had been developed at that particular point. I was extremely careful in all places to avoid including any surface or any soil above the gypsite layer. I would usually shovel off or scrape back the surface soil, so as to avoid a particle falling into the material which I took for my sample. In the same way, I was equally careful not to take my sample so as to include any part of the earth "inclusion." My sample would therefore actually be better than the average of the layer as it existed in the ground, for the reason that I did not include the earth "inclusions," since they are irregular through the deposit. On the other hand, if I encountered one of these "true veins of gypsum," I did include a portion of it in the sample.

Q. In taking samples of amorphous gypsite, did you cut across faces of the exposed portion of the amorphous gypsite, or did you also include the gypsiferous earth below?

A. I sometimes found it necessary in order to make sure that I had secured all the amorphous gypsite, to extend my cut beneath the bottom of the trench. As I have previously explained, there is no sharp dividing line between the amorphous gypsite and the gypsiferous earth. It must be more or less arbitrarily established. I did endeavor to limit my sample to the best material. In the same way, in case my cuts showed nothing but earth, I did not include them in the sample.

The WITNESS.—(Continuing.) I took what I

(Deposition of Joseph Jensen.)

considered was the amorphous gypsite and was very careful to avoid contaminating it. [461]

Q. In an attempt to mine amorphous gypsite from the lands in question, would the material excavated and secured in mining be as pure as your sample?

A. No; that would be impossible.

The WITNESS.—(Continuing.) I have already explained that the upper surface is an irregular surface, and that any attempt to clear the surface soil from off the amorphous gypsite layer would not be wholly successful since the depressions would still contain soil. If we attempt that, working with a plow and scraper, it would be possible to remove all the soil off the amorphous gypsite except a thin veneer, say three-fourths of an inch thick, and that in reaching the lower limit of the amorphous gypsite it would be possible to mine it and not take more than three-fourths of the gypsiferous earth below, it will be seen that mining out a one-foot layer of amorphous gypsite, three-fourths of an inch of soil from above, and three-fourths of an inch of gypsiferous earth from below, will have been included. Hence, to our 12 inches of amorphous gypsite we have added $1\frac{1}{2}$ inches of waste, $\frac{3}{4}$ inch of soil above and $\frac{3}{4}$ inch of amorphous gypsite below. This would mean that from one-eighth to one-tenth of waste had been added to the amorphous gypsite. If this type of mining were to be practiced, in order to estimate the product which would be mined, based on the samples I have taken, it would be necessary to deduct something more than one-eighth

(Deposition of Joseph Jensen.)

of the percentage of purity which I report; that is, the mined product would contain from 10 to 20% waste. This method of mining, by means of plow and scraper, would be the only near economic method that could be attempted. It would be impossible to attempt to mine this material with a pick and shovel. In the case of pick and shovel it would be possible to avoid including so much waste, but, nevertheless, any product mined even with pick [462] and shovel, would contain some waste, and would consequently be less pure than the samples which I took.

Q. For purposes of illustration, have you prepared a map or sketch showing your method of sampling gypsite and gypsiferous earth on the lands in question? A. I have.

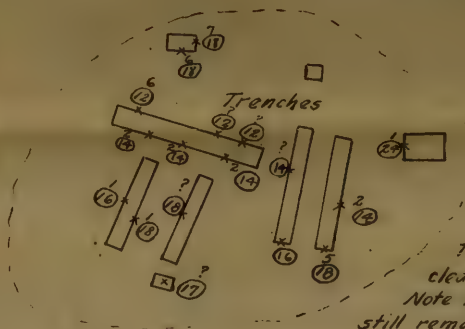
Q. I hand you map marked Government's Exhibit "D," entitled "Map showing method of sampling gypsite and gypsiferous earth as sampled at "g" on the NW. $\frac{1}{4}$, NW. $\frac{1}{4}$, SE. $\frac{1}{4}$, Sec. 30, T. 26 S., R. 21 E.," and ask you if this is the map which you prepared? A. Yes, sir.

Mr. MURPHY.—The Government offers in evidence map marked Government Exhibit "D."

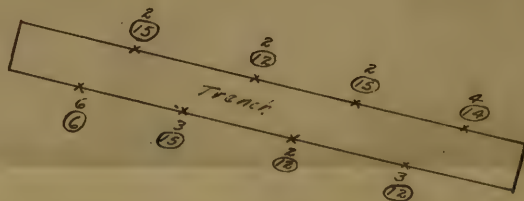
(Government's Exhibit "D" is in words and figures following:) [463]

MAP SHOWING METHOD OF SAMPLING
GYPSITE AND GYPSIFEROUS EARTH
AS SAMPLED AT "g" ON THE
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 30, T26S-R21E.

Scale one inch = 50 feet



This area has been
cleared with a scraper.
Note that some overburden
still remains.



- x Point where cut was made by digging back about one foot.
- 2 Soil overburden in cut. This was carefully excluded from sample.
- (1+) Thickness of layer sampled, consisting of amorphous gypsite above and gypsiferous earth or earthy gypsum beneath. Earth inclusions in the gypsite were not included in the sample, but in any method of mining the overburden of soil and such earth inclusions could not be excluded or separated from the mined product, as has been done in sampling. At least 10 to 15 % of soil from above and earth from below would be included in the product as mined, hence all percentages of my samples taken by this method must be reduced about one tenth to estimate the purity of any mined product. Thus sample "g" contained 58.59% gypsum but any gypsite mined here would only average about 50 to 53% gypsum.

No-A-37-Ex U.S.-vs Drums ore Cased O.C.-

" A-52-4 " " " Lost Hills Mfg Co Ore

" A-57- " " " " " " " " " " " "

Plffs - Exhibit "D"

Filed Aug 22 - 1916

Wm W. Vanduyke Clerk

By J F Goss Deputy Clerk

(Deposition of Joseph Jensen.)

The WITNESS.—(Continuing.) This map shows the true relative position of the various trenches which occur at the point “g” on the map, which I made of the S. E. quarter of Sec. 30. The X’s marked in the side of the trenches represent the points at which I made my sample cut. Near each one of these X’s there are two figures, the one being enclosed in a circle and the other being above the circled. These figures are always in “inches.” Thus, for example, the figure 2 above the circle represents the soil overburden in the cut. This was carefully excluded from my sample. The figure in the circle is also in “inches,” and represents the thickness of the layer sampled, consisting of amorphous gypsite above and gypsiferous earth and earthy gypsum below. “Earth inclusions” in the gypsite I excluded in the sample, but in my method of mining the overburden of soil and such earth inclusions could not be excluded or separated from the mined product as has been done in sampling. At least 10 to 15% of soil from above and earth from below would be included in the product as mined. Hence, all [464] percentages of my samples taken by this method must be reduced about one-tenth to estimate the purity of any mined product. Thus, sample “g” contained 58.59% gypsum, but any gypsite mined here would only average about 50 to 53% gypsum.

I will further explain that on this sketch I have said that the figure in the circle included the amorphous gypsite above and gypsiferous earth or earthy

(Deposition of Joseph Jensen.)

gypsum beneath. I so placed this on the sketch for the reason that the question of what would be amorphous gypsite as distinguished from gypsiferous earth might vary between two observers. Thus, for example, where I have indicated a thickness of 18 inches of amorphous gypsite, another observer might say there were 12 inches of amorphous gypsite and 6 inches of gypsiferous soil. In my sample I aimed to take from each cut material that would represent an average of the whole. By decreasing the thickness of the sample a slightly higher percentage could have been shown in it. Conversely, if the thickness of the layer had been increased the purity of the sample would have been reduced. The various figures in the circles show how the thickness of the particular sample varies from place to place, even in the same exposure. The trenches within the dotted line on exhibit "D" were sampled, and also the large trench shown outside of the dotted line. This material all constituted sample "g." The dotted line represents roughly an area that had been cleared with a scraper but upon which a slight overburden still remained.

Mr. HAMEL.—This particular sample, then, represents material taken from how many different points?

A. Twenty-five.

Mr. MURPHY.—Does this sketch show the manner or method employed in securing all of the samples which you have secured from the lands? [465]

A. It does of all samples of amorphous gypsite.

(Deposition of Joseph Jensen.)

Q. I desire to take up now, in detail, your examination and classification of the various legal subdivisions of the lands involved in these cases, beginning with the SE. $\frac{1}{4}$ of Sec. 30. I will ask you to start in with the ten-acre subdivision embraced in the NE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ Sec. 30, and state in detail what you found there, and what classification you made of this subdivision? Before making your answer to this question, I desire to offer in evidence plat of the SE. $\frac{1}{4}$ of Sec. 30, marked Government's Exhibit "E," which purports to show the extent of the exposures of gypsum on this tract (passes plat to Mr. Redding).

(Government's Exhibit "E" is in words and figures following:) [466]

(Deposition of Joseph Jensen.)

Mr. MURPHY.—Who prepared this map, Mr. Jensen, exhibit “E”?

A. I prepared the map.

Q. What does it represent?

A. While I was in the field I made a survey of this quarter-section, and also prepared the map, which was completed in the field and on the ground. Upon my return to San Francisco I made a tracing of this map; then caused a blue-line print to be made, and covered this blue-line print in the same way that I colored my map made in the field. Consequently, the map offered in evidence as exhibit “E” is an exact duplicate of the one which I made in the field, and I have compared the two.

Mr. MURPHY.—I might state that this map is offered for the purpose of illustrating Mr. Jensen’s testimony with respect to the character and extent of deposits found by him on this tract.

WITNESS.—I would also like to explain about the map that the lines shown therefor the ten-acre tracts are very accurate, and that the location of the improvements, such as the wells and trenches, are accurate. [467]

Mr. REDDING.—What does this line running northwest form?

WITNESS.—That is an oiled road. It heads off after you leave the gulch.

Mr. MURPHY.—You may proceed with your statement as to what you found on the NE. of the NE. of the SE. of 30.

A. Let me explain in a general way about the

(Deposition of Joseph Jensen.)

claim that its southwest corner reaches out on a flat which is a part of the San Joaquin Valley. Its northeast corner extends to near the crest of the Lost Hills. The difference in elevation would not be extremely great. To an ordinary person not familiar with surveying, it would hardly be appreciable, but I dare say there might be a difference of elevation of 100 feet between the highest and lowest points on the claim. As I have indicated on the map, the south half of the quarter section is traversed by a gulch flowing eastward, which has resulted from the joining of two lesser gulches that end in the valley by the west. In the S. $\frac{1}{2}$ of the NE. $\frac{1}{4}$ there is an open flat that can hardly be called a gulch in which the drainage is only slightly to the east. North of this flat there is a sort of a bench which runs transverse to the Lost Hills, and the Lost Hills running in a northwesterly direction. This bench finally merges to the west into the valley floor.

Now, as to the NE. NE. SE. Sec. 30, I found oil wells as indicated on the map, and a single exposure of gypsite at the point "d." This is a single exposure occurring in a road which crosses the front of this bench. It had no extent but was merely represented by a slight whitening in the road. The overburden at this point appeared to be very thick, and because of this thickness one cannot hope for a pure or uniform deposit of gypsite beneath. In March, 1916, I returned to this particular ten-acre tract and endeavored to relocate the showing at d',

(Deposition of Joseph Jensen.)

but found nothing except [468] a few clods of gypsite. The showing must have been worn out of the road or else lacked extent entirely. Owing to the fact that there were so many oil wells on this ten-acre tract. I made a very careful survey to see if there were any fresh exposures of gypsite or gypsum-bearing material, but found none.

Q. If there had been any beds of gypsum or gypsiferous earth on this tract, were the conditions such that there would have been some showing or something to detect the presence of a bed of gypsum?

A. I would have expected to find some evidence at the various oil derricks, for the reason that cellars or excavations were made and considerable material was removed from them. In addition to this fact, trenches have been made for pipe-lines connecting the various wells. These pipe-lines in any parts of Sec. 30 are buried deep enough so that the trenches made for them extend into the amorphous gypsite layer when present.

Q. You saw no indication of the presence of gypsum except as exposed at d' on this subdivision?

A. That is correct.

Q. What classification did you give this subdivision?

A. I classified it as nongypsum. Since the time of my field examination a well has been drilled in the southwest corner of this ten-acre tract, and it is known as "Universal No. 12." I will indicate it roughly on the map.

Q. What did you find and how do you classify the

(Deposition of Joseph Jensen.)

NW. $\frac{1}{4}$, NE. $\frac{1}{4}$ SE. $\frac{1}{4}$ Sec. 30?

A. Evidence of gypsum was found at e' and "f." The showing at e' is below the bench which I have heretofore described. Here there is a cellar possibly 20 feet deep. It shows a 6-inch over-burden of soil, then a layer about a foot thick of amorphous [469] gypsite having "earth inclusions." Beneath this is a two-foot crystalline earthy mass, and on down in the cellar the earth sets hard because of the presence of gypsum. What I mean by this expression is, that the gypsum in the earth gives up a certain coherence. In an ordinary shaft exposed to the weather for a long time the earth tends to spawl off, so that the walls of the shaft lose their original regular shape. A small percentage of gypsum present in the earth causes the material to adhere together so that the walls of the cellar remain much as they were at the time the cellar was made.

April 7, 1916.

WITNESS.—(Continuing.) The presence of gypsum in the earth is often very misleading in old exposures. This is due to the fact that the earth grains between the interlocking gypsum crystals tend to fall out when exposed to the air; hence, even in a deep cellar like this, the exposure on an old face or side is not a true indicator of normal conditions. Therefore, unless a person is warned of this feature or takes the precaution to cut away the old face in order to make a sure exposure, he will be misled into thinking that there is much more gypsum present than there actually is. Now, the foregoing explana-

(Deposition of Joseph Jensen.)

tion applies to shafts and cellars of considerable depth when what I have termed "original layers of gypsiferous earth and earth with gypsum crystals" are exposed.

Q. Do I understand you to state that after gypsiferous earth has been exposed to the weather a secondary precipitation takes place?

A. My explanation has not reached that point. I was just going to take that up and I wish to separate that from what I have heretofore described. The showing which I have just described is not [470] a condition due to enrichment, but a condition due to the fact that the earth falls away and leaves the interlocking gypsum mass behind.

Now, as to the feature which you brought out in your question, the amorphous gypsite layer is subject to enrichment in the sides of trenches. I have heretofore explained and illustrated in my sketch that there are true veins of gypsum occurring in the amorphous gypsite. These veins have been formed by the segregation of mineral from out of the amorphous gypsite. When the amorphous gypsite layer becomes moistened with rain water, this water will migrate by capillary action to the driest place. If the face of a trench is exposed to the sun and the surface ground is covered with a mantle of soil or grass, the moisture down in the amorphous gypsite layer will work to the face of the trench rather than to the surface of the ground. Such moisture will bring with it a certain gypsum content. Even in a period as little as two or three years, this sort of ac-

(Deposition of Joseph Jensen.)

tion produces a marked enrichment of the faces of the trenches. In fact, I observed in cuts I made a year and a half ago an enrichment of this character. But this enrichment is very superficial, and it seldom extends back from the face of the trench for more than a foot. Consequently, this very recent enrichment also tends to create a very misleading impression to the person who makes a very casual inspection of the trench, and who does not take the precaution to dig into the original amorphous layer of gypsite behind this local enrichment. This enrichment may well be described as a veneer, since it is so fine and only occurs on the faces of the trenches. This same explanation also shows why it is that the upper inch or two of the layer of amorphous gypsite is always richest. Therefore, the two misleading situations occur where gypsum is present; the one where the earth falls away from the gypsum crystals, as in cellars, leaving a much richer [471] exposure, and the second type, where the thin veneer forms on the faces or the sides of the trenches.

Now, with regard to this shaft at e', I made a hole about three feet away from the edge of the cellar and then connected it with the cellar. In this way I was able to make a much better inspection of the layer of amorphous gypsite. I observed that only the top few inches are pure. Below this the mass grades to earth, and before a thickness of one foot is passed the whole layer is earth with gypsum stringers.

The showing at "f" upon the simplest inspection proved to be so much better than the one at e' that

(Deposition of Joseph Jensen.)

I took no sample at this shaft. At "f" no trenches have been dug. The soil has been scraped from off two parallel belts to either side and heaped in a long row between them. Each of these long strips is 15 feet wide and the space between is from 15 to 20 feet. Since the overburden had been removed it was impossible to measure its thickness accurately, but I estimated that it was from 6 to 8 inches thick, and at the west end of this work it is fully one foot thick. These long strips are 210 feet long. The layer of amorphous gypsite had thicknesses of 2 inches, 3 inches, 6 inches, 4 inches, 10 inches, 4 inches and 3 inches at cuts which are distributed regularly through the area. This thin layer was almost too thin to be considered for any purpose, and I therefore made my sample across a 1-foot layer of material. This 1-foot layer of material in the lower portion consisted of crystals in earth. The sample contained 56.22% gypsum; but mining, of course, would not secure a product as rich as this, and some deduction must be made if an attempt is made to estimate the purity of any product which might be mined at "f."

On this ten-acre lot there is, or rather was, "well Universal No. 8," on Section 30. Owing to water troubles the well [472] was being plugged in October, 1914. The dump of the cellar showed some slight traces of gypsum, but they were very unimportant and would only represent a low-grade gypsiferous earth. No evidence of the extent of the material at "8" was at hand. These were the only two exposures on this ten-acre lot. Based upon the very impure

(Deposition of Joseph Jensen.)

character of the material at "f," which was the best on the ten-acre tract, I am of the opinion that a non-gypsum classification is proper.

Mr. REDDING.—Let me ask you, Mr. Murphy; you are putting this witness on for the purpose of not only stating what he found, but also to give his opinion?

Mr. MURPHY.—Yes; to show what classification he made at the time, and in his opinion as to whether or not the showing is of sufficient extent or importance to distinguish the lot as having exceptional quality or special value for gypsum.

Mr. REDDING.—We would object to the opinion of the witness as being incompetent, irrelevant and immaterial.

Mr. MURPHY.—We will now take up the NE. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Sec. 30, and describe this tract in the same manner.

A. I made a careful examination of this ten-acre tract, and found no evidence whatsoever of any natural exposure of gypsum, and also failed to find any work which had been done for the purpose of finding or attempting to find a deposit of gypsiferous material.

Q. What would be your classification of this tract?

A. I would classify it as not valuable for gypsum.

Q. You may now take up NW. $\frac{1}{4}$, NW. $\frac{1}{4}$, SE. $\frac{1}{4}$ of Sec. 30.

A. Gypsum-bearing material was observed in the northwest corner of this ten acres at the point "g." Government's Exhibit "D" is a map of this particu-

(Deposition of Joseph Jensen.)

lar exposure and shows in detail my method of sampling throughout the examination, and [473] specifically illustrates the occurrence at "g." The average thickness of material sampled here at point "g" was 15 inches. I would explain what the map does not explain, that in some parts of the trenches no gypsum-bearing material is exposed. I did not make sample cuts in such parts of the trenches, for the reason that it might be contended that such parts of the trenches would not be mined for gypsite, and could therefore not be considered as tending to reduce the purity of material. Of course it must be recognized that any attempt at mining would have to handle such material either as waste or as the mined product. This sample "g" contains 58.59% gypsum; but any gypsite mined here would only average 50.53% gypsum. The map exhibit "D" calls attention to the fact that the area in which most of the trenches are located has already been partially cleared with a scraper, but some overburden still remains. Such quality of material does not justify any use under present ordinary practice.

Mr. MURPHY.—The map marked Government's Exhibit "D" which has already been introduced for the purpose of showing your method of sampling, also shows the character of the exposures at point "g" on exhibit "E," the tract which you have just described?

A. Yes, sir; that is correct.

Q. You will next take up S. $\frac{1}{2}$ of the NW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Sec. 30.

(Deposition of Joseph Jensen.)

A. This 20 acres hardly covers any part of the Lost Hills, but is more a part of the flat to the west of them. At g' there is a hole or cut made along the pipe-line of the Associated Oil Company. This cut was filled with oil and left an oil-mark which I first mistook for some evidence of gypsite. On digging into this material two feet I found nothing but sandy soil. It was not proper to expect to find gypsite here, but I took this precaution [474] to make sure than none was present.

The oiled road, which is shown by the parallel line crossing the southwest part of this 20 acres, has been crowned in the center, and a cut has been made from 6 to 12 inches deep. At no point on this 20 acres along the road did I find any evidence of gypsum-bearing material. I made careful search over the entire 20 acres, and found absolutely no evidence of gypsum-bearing material, and therefore make a non-gypsum classification of the entire 20 acres.

Q. The SW. $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 30?

A. On a little rise in the south half of the ten-acre lot, gypsum-bearing material has been developed at "e." This exposure covers a triangular area having a base of 55 and an altitude of 250 feet. In it some five trenches have been made. The triangular area has been pretty well cleared of earth so that the entire extent of the occurrence is indicated, and no evidence is suggested or was found that would indicate that there was any more gypsum-bearing material on the ten acres than that exposed at "e." The

(Deposition of Joseph Jensen.)

amorphous layer varied in thickness from 1 to 2 inches to 12 inches, but for the most part this was hardly 6 inches thick. Below this the earth contained gypsum crystals. My sample was taken so as to represent a one-foot layer. It therefore contained all of the amorphous gypsite and some gypsum crystals in earth. Fourteen (14) cuts were made to secure this sample, and when first taken it weighed about 100 pounds. It was reduced by the method which I have heretofore described. The sample contained 55.36% gypsum, but mining would considerably reduce this percentage.

Mr. REDDING.—That is your opinion?

WITNESS.—Yes, sir; that is my opinion. A strong objection to this exposure is that the original overburden was from 1 to 1½ feet thick. Another objection is the presence of a great deal of gravel in the top and richest layer of amorphous gypsite. The [475] earth containing the gypsum crystals below this one foot decreased in purity so rapidly, that had it been included in the sample so as to make the sample thicker, there would have been a considerable reduction in the purity of my sample. I have therefore made a nongypsum classification of this ten-acre lot, since the material lacks any exceptional quality and has no special value.

Q. What effect would the presence of gravel in the amorphous gypsite have on the product as commercial fertilizer?

A. It is clear that no farmer would care to introduce gravel in his soil, which was free from gravel,

(Deposition of Joseph Jensen.)

and it would in no way benefit the soil.

Q. In your examinations of the entire area embraced in these claims, did you find the presence of gravel of common or rare occurrence?

A. In a general way, all of the amorphous gypsite contains some sand and gravel usually finely scattered through the one-foot layer. This varies from fine sand grains to gravel the size of a pea, and in some cases as large as a walnut.

A. (Continuing.) I would further call attention to the fact that these five trenches that have been made in the material exposed by using a scraper have been more than a foot deep. Consequently, in excavating the material and throwing it all on a common dump, all of the excavated material has become so mixed that no separation would be possible in the future. Since the earth with gypsum crystals below the one-foot area which I sampled was of less purity than my sample and has already been mixed with the material of which my sample was representative, all of the dump made alongside each of these trenches is less pure than my sample. Now, these trenches constitute only one-third of the cleared area; consequently, approximately one-third of the material within the [476] triangular area which I have described as having an altitude of 250 feet, has already been so contaminated that it is of less purity than my sample. Absolutely no method of treatment could improve the quality of this material.

Q. With reference to your statement which you have just made to the effect that in doing this devel-

(Deposition of Joseph Jensen.)

opment work the earth and impure gypsiferous material was mixed with the amorphous gypsite and thrown out on the dump, I will ask you if you found a similar condition in all of the other trenches which were made and which you will describe on the lands in question?

A. I did. I found no piece of work in which it appeared that an effort had been made to segregate the richest material from the obviously impure material. The only attempt at separation that had been made was that which resulted from scraping the portion of the overburden from off a large area, in which trenches were placed. The scraping did not always remove all of the soil. After the area had been scraped trenches were made, but everything removed from them was placed on a common dump, sometimes entirely at one side of the trench and sometimes on both sides, but there was no material which had been sorted out as being of better quality.

These dumps, therefore, contained material of less purity than the samples which I have reported and will report from the various exposures.

Q. The SE. $\frac{1}{4}$ of the NE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Sec. 30?

A. This ten-acre lot for the most part covers the flat which I described at the beginning of my testimony on this quarter section. The occurrence at d' has already been fully described in my testimony regarding the NE. NE. SE. Sec. 30, being the ten acres to the north. This showing at d' had no ex-

(Deposition of Joseph Jensen.)

tent whatsoever and lacked evidence of quality, so that it was clear that it would not [477] be as pure as the samples I had previously taken from the claim. "Universal well No. 9" is located on this ten-acre lot. The sump and dump from the cellar contained no evidence at all of gypsum-bearing material. I therefore made a nongypsum classification of this ten acres.

Q. The SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Sec. 30? Before entering upon your statement as to the SE. $\frac{1}{4}$ of the SE. of Sec. 30, 40 acres, I desire to offer a map showing the extent of gypsite and gypsiferous earth as sampled at "cd" on the north half (N. $\frac{1}{2}$) of SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of 30, and invite your attention to map marked Government's Exhibit "F," and ask you to identify and explain it.

(Government's Exhibit "F" is in words and figures following:) [478]

No-A-87-Ey US no drails Linn Co coal
 " 6 52-y " " Last Nick High coal
 " 9 53-" " " " " " " "

Filed Aug 22 - 1916

Wm W Van Dyke Clerk

By J. J. Greer, deputy

MAP SHEET

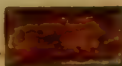
GYP SITE AND

AS SAMAL

N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ S



Area represented by sample d -
Sample contained 38.37% gypsum

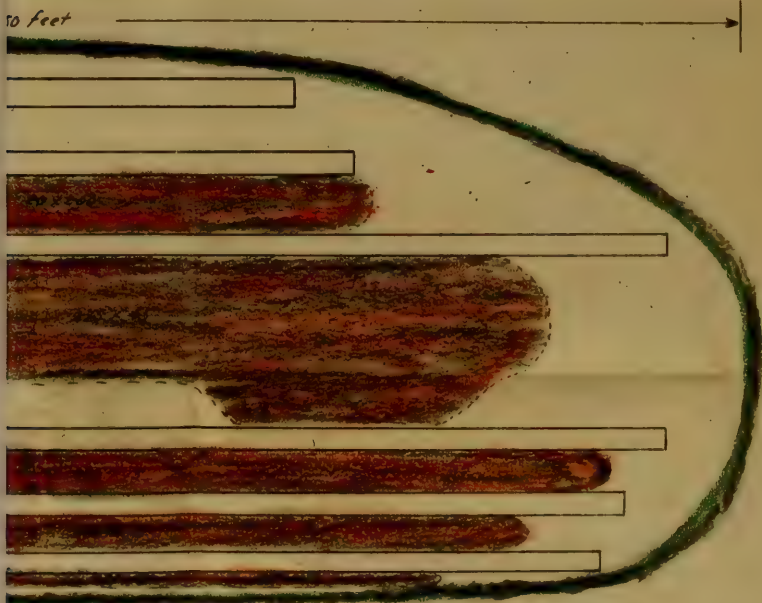


Area represented by sample c" - covering the gypsiferous earth layer is absent or has been so as to be lost.

Sample contained 58.67% gy

SHOWING EXTENT OF
 GYPSIFEROUS EARTH
 FOUND AT 'cd' ON
 SEC 30, T265-R21E.

one inch = 40 feet.



a one foot layer of earth bearing gypsum crystals,
 m.

a six inch layer of "amorphous" gypsite still in place,
 beneath. Elsewhere on the area represented by "d" the
 removed with lower grade gypsiferous earth or soil
 sum, but mining would reduce this percentage.

(Deposition of Joseph Jensen.)

A. This is a map and not a sketch. It shows the extent of gypsite and gypsiferous earth as sampled at "dd."

Mr. REDDING.—Where is "cd" on this map?

Mr. MURPHY.—"cd" is on the map marked Government's Exhibit "E."

Mr. REDDING.—And this area colored here in red, and surrounded by a green oval, is what you call "cd"?

A. (Continuing.) Yes. The showing at "cd" is on the N. $\frac{1}{2}$ SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ of Sec. 30. By reference to Exhibit "F" it will be noted that "cd" occurs on a portion of land between two gulches. It is really on a low ridge, and covers the top of the same. The greater part of the occurrence at "cd" is on the NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ SE. $\frac{1}{4}$, and extends eastward into the NE. SE. SE. Here over a somewhat elliptical area the surface soil has been removed. This elliptical area has diameters of 450 and 200 feet. On this area I found a thin layer of amorphous gypsite. Beneath it where it was present and adjacent to the area on which it was present, I found earth containing gypsum crystals. The green ellipse on exhibit "F" covers the extent of the earth with gypsum crystals as developed. [479] I took a sample of the earth containing gypsum crystals, but did not include the amorphous gypsite above. My sample is therefore only typical of the earth with the crystals. My sample was taken across a one-foot layer. Beneath this one-foot layer the material was becoming more earthy, but at one foot was clearly of no

(Deposition of Joseph Jensen.)

value. This sample contained 38.37% gypsum. Owing to its very impure character, mining resulting in the addition of less pure material from below could not greatly reduce its purity. This is one of those exposures which I have previously referred to in my testimony, where the gypsum crystals in the earth are separate and not interlocking. Of course on the air-slaked surface the earth and crystals have separated very nicely, but below the surface veneer where the air has not tended to slake the earth the mass is tougher and harder.

The long rectangles across the diagram Exhibit "F" represent trenches that have been made at "ed." The area colored red represents that portion of the exposure where the thin layer of amorphous gypsite was still present. Elsewhere it either had been absent originally or had been scraped off in removing the overburden of surface soil. The figures on the red area give the dimensions of the exposures. The layer of amorphous gypsite varied in thickness from 3 to 9 inches. Its average thickness would be 6 inches or less. My sample "c" was confined exclusively to this thin layer of amorphous gypsite. The sample contained 58.67% gypsum, but mining would of course reduce this percentage.

A. (Continuing.) The amorphous gypsite only weighs 80 pounds to the cubic foot. It would therefore require an area of 25 sq. ft., having a thickness of one foot, to secure a ton of material. Of course in mining a 100% recovery is not possible; consequently it would require more than an area of 25 sq.

(Deposition of Joseph Jensen.)

ft., having [480] a thickness of one foot, to secure a ton of material. For the sake of illustration, if the mining could be so perfect as to secure a ton of material from an area of 27 sq. ft., where the layer was one foot thick, it is clear to secure this it would be necessary to remove the overburden from an area of 27 sq. ft. and to remove all of the gypsite from an area of 27 sq. ft. When, in such a case as this, where we have only a 6-inch layer of amorphous gypsite, it would require 54 or more square feet of area to secure a single ton.

By computing the area represented by sample "c," it will be seen that there is only a very small tonnage of amorphous gypsite at this point. The material is lacking both as to quantity and quality so far as sample "c" is concerned, and I have therefore made a nongypsum classification.

A. (Continuing.) On the ten acres on which it principally occurs, viz: NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ Sec. 30, it is of course self-evident that the material represented by the sample "d" is only a very low grade gypsiferous earth, similar to deposits that have very, very widespread occurrence throughout the west side of the San Joaquin Valley, and throughout the United States.

A. (Continuing.) The occurrences at b' and c' on exhibit "E" are along an oiled road (SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ Sec. 30). This oiled road has a crown in the center, and cuts on either side varying in depth from 6 to 12 inches. The occurrences at b' and c' are extremely limited and very thin. Inspection showed that they

(Deposition of Joseph Jensen.)

lacked extent, and that the material as exposed was also less pure than that which I had already sampled on this claim.

On the NE. SE. SE. Sec. 30, there is a well known as "Universal No. 10." Its sump had a cut in which a 3-foot face of earth was exposed. This cut showed only earth with a few gypsum crystals [481] in it, just enough present to stiffen or harden the earth. This particular position, being on a gulch bank, would be a favorable point to expect the occurrence of an amorphous gypsite layer, but this work at Universal No. 10 showed that it was absent. The south bank of the gulch is on two ten-acre lots, included in the E. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ Sec. 30. A greater part of the occurrence, however, is on the north ten acres.

I used the same method of sampling which I have described heretofore, and my sample "a" contained 51.66% gypsum. It was representative of a 12-inch layer, usually entirely of amorphous gypsite, but mining would reduce this percentage.

Q. How thick was the gypsiferous material at that point?

A. The gypsiferous material at "a" beneath my one-foot layer was not pure enough to include in the sample. Its thickness would not be more than a foot or so below the sample. This occurrence, which I have described, is shown on the map "Government's Exhibit E" at point "a." At "b" there is a water well for which a cellar has been made. This cellar shows a basal layer of earth containing gypsum

(Deposition of Joseph Jensen.)

crystals. My inspection in the cellar showed that there were 6 inches of earth, underlain by a foot of amorphous gypsite, which was of the approximately same purity as sample "a," namely, 51.66% gypsum. Beneath this there was a 1½-foot layer of granular material consisting of gypsum crystals and grains of earth. I took a sample across this 1½-foot of material, known as sample "b." This point "b" is also shown on Government's Exhibit "E." The sample contained 68.91% gypsum. Beneath this 1½-feet which I sampled there was a thin crystal mass that was somewhat richer in gypsum, but it was so tough that it could hardly be picked. It was such that it could not be mined by the usual methods which might be suggested for the overlying material; that is, with a plow and [482] scraper, and would have to be blasted. Furthermore, to make any use of it, it would be necessary that an expensive mill, having power and crushing apparatus, be available. This richer streak, and also the 1½-foot of material, were only exposed in the cellar, and there was no evidence at hand upon which it could be assumed that they represented an extensive deposit. Evidence of quantity of material was therefore lacking.

As I have pointed out, the 1½-foot layer could not be treated economically in order to improve its quality. The material contains such a small percentage of gypsum that it is not valuable for any present purposes, according to standard practices. In addition to this fact, mining would reduce the quality of the product so that my return of 68.91% gypsum

(Deposition of Joseph Jensen.)

could be reduced to 60% very readily, unless great care was exercised in mining.

A. (Continuing.) On the SE. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Sec. 30, the exposures shown on my map, Government's Exhibit "E," at "ab" "cd" b' and c' constitute the only exposures of gypsum-bearing material on the entire 40 acres. At no point was material of exceptional quality found, and a nongypsum classification of the entire 40 acres is made.

Q. The SW. $\frac{1}{4}$ of the SE. $\frac{1}{4}$ of Sec. 30?

A. This 40 acres does not cover any part of the Lost Hills. It is almost perfectly level except in the very northeast corner where there may be a slight upward slope toward the hills. The southwest portion is exactly the same as thousands of acres of land in the San Joaquin Valley to the west. At the point a', shown on Government's Exhibit "E," along the oiled road heretofore mentioned, the cut varies from 6 inches to a foot. Here beneath a 6-inch overburden of soil, there is a 3-inch layer of amorphous earthy gypsite covering earth with gypsum crystals. This was of [483] such poor quality that simple inspection indicated that it would contain less gypsum than the samples previously mentioned on the quarter-section. The exposure gave no evidence of quantity of material as well, so that at a' quantity and quality were lacking.

At f' on the map known as Government's Exhibit "E" a series of trenches have been made. These are entirely in earth, and are 5 in number. On the dump of one of them I found a few loose gypsum crystals,

(Deposition of Joseph Jensen.)

but I was unable to find any crystals in earth in place. I did find that the earth contained white splotches, but this is characteristic of much of the soil in the flat to the west of the Lost Hills. On the remaining part of this 40 acres no work had been done in an effort to expose gypsum-bearing material, and no surface evidence of any kind or indication was found pointing to the presence of gypsum-bearing material.

Q. In the examination of this 40-acre tract, did you make careful examination of each ten-acre tract embraced therein?

A. I did. I examined each of the ten-acre tracts very carefully, and separate, to make sure.

The WITNESS.—(Continuing.) I found no evidence whatsoever of deposits of gypsum other than have been described by me. I classified each of those ten-acre tracts included in this 40 acres as nongypsum or nonmineral.

Q. We will now take up classification and description of gypsum deposits found by you on the NW. $\frac{1}{4}$ of Sec. 30, T. 26 S., R. 21 E., M. D. M., embraced in Visalia Mineral Application 03431, and I will ask you to describe the land in ten-acre tracts, beginning with the N. $\frac{1}{2}$ of the NE. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of Sec. 30. First, however, I desire to offer in evidence a plat of this quarter-section similar to the one which has been offered in connection with the SE. $\frac{1}{4}$ of 30, and will ask that this plat be marked Government's Exhibit "G." [484]

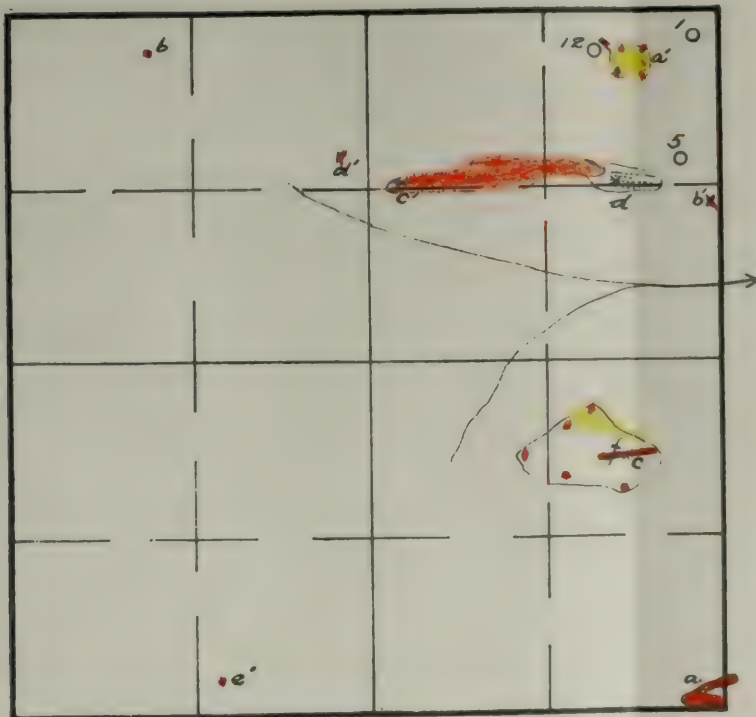
(Government's Exhibit "G" is in words and figures following:) [485]

Govt Exh G.
See Transcript p 75, 114




See Transcript p 75, 114

LOST HILLS PLACER

NW $\frac{1}{4}$ SEC 30, T265-R21E.



Scale 1 inch = 660 feet

-  No gypsum exposed
 Natural exposure of gypsum
 Gypsum developed by assessment work or otherwise

1,512 Oil wells of Universal Oil Co.

a, b, d' Points where gypsum was noted.

No A-37-64 U.S. de Davis & Co. Coastal Oil Co. Et al
A-52-i " " " " " " " " " " " "
A-57-" " " " " " " " " " " "

Plffs-Exhibit "G" - Filed Aug 22-1916.

Wm M Van Dyke Clerk

By J. F. Green & party

(Deposition of Joseph Jensen.)

The WITNESS.—(Continuing.) This plat—Government's Exhibit "G"—was made by me. This map was made in the same manner as the ones for the SE. $\frac{1}{4}$ of Sec. 30, and was based on a careful survey. It represents conditions as I found them on the NW. $\frac{1}{4}$ of Sec. 30.

Q. Before going into detail of the ten-acre tracts, describe the topography of this quarter section?

A. This quarter section covers a part of the top of the west flank of the Lost Hills, but extends a considerable distance out on the flat or bottom of the San Joaquin Valley to the west of the Lost Hills. The gulch shown on the map is rather deep, there being a difference of elevation as much as 50 or 75 feet. Its north and south banks are fairly indicated on the map by the colored belt between c' and "d," and also near the letter "c."

Q. Proceed with the N. $\frac{1}{2}$ of the NE. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of 30.

A. At the point a' on the map Exhibit "G" considerable oil development work has been done around "Universal Well No. 12." The surface has been oiled and crossed by wagons, so that it is not in its original condition. Some cabins have also been built near here. The material looks attractive because it is so white. The oiling of the surface and the soil still remaining represents an overburden of 1 to 2 inches of waste. Six cuts are made here and all were examined.

Mr. REDDING.—Made by you?

WITNESS.—By myself. The amorphous gypsite

(Deposition of Joseph Jensen.)

layer in these cuts was 3 inches, 2 inches, 6 inches and 7 inches. This very thin coating could hardly be described as anything but veneer. The six cuts which I made showed that the deposit lacked extent, and the thinness of the same indicated that it could not be considered as workable. The general appearance of the product was [486] less encouraging than that noted at other points on the quarter section, and no sample was taken.

The showing at "d" extends westward in a continuous belt to c', reference being made to Government's Exhibit "G." This exposure occurs on the top of the north bank of a large east-west gulch, which begins and drains eastward on this claim. Owing to the ease with which the earth could be scraped into the gulch, approximately an acre and a half or two acres have been cleared, so as to expose a somewhat small acreage of amorphous gypsite. The overburden was probably about a foot thick. The upper layer of the gypsite is extremely hard and somewhat uneven, so that not all of the earth has been removed. Nevertheless on a clear sunny day the showing stands out as a broad, white belt, creating the impression that the entire country is filled with gypsum.

East of "d" eight excavations have been made in four parallel lines across the belt which represents the extension of c' d. A casual inspection and examination of these excavations suggest that a great deal of gypsum is also present in them. When the sides of the trenches are broken down a different condition

(Deposition of Joseph Jensen.)

is observed. Eight such cuts were made in these trenches. Upon close examination it was found that the fresh unexposed surface contained less than 40 to 50% gypsite. In addition to this fact the mass contained a great deal of gravel. As a fertilizer this material would be impossible because of the gravel present. Only at one point in these trenches was a somewhat pure deposit noted. This showing was very small and did not extend to the opposite side of the trench, nor to a point 15 or 20 feet east.

The sample "d" which I took was taken only of the gypsite exposure colored red on Exhibit "G," on the NE. NE. NW., Sec. 30. The average thickness of the layer sampled was 9½ inches. Furthermore, [487] only the richest material was selected, some of my sample cuts being abandoned because they showed material that was less pure. This carefully selected sample contained 73.66% gypsum. The area on the NE. NE. NW. of Sec. 30, which this sample represents, is about 200 feet long and 75 feet wide, or approximately one-third of an acre. This acreage also represents the total probable extent of material of this character on this ten-acre lot. Mining would reduce this percentage fully 10 to 15%, owing to the great difference which must exist between any method of mining and my selective method of sampling.

A. (Continuing.) I have heretofore indicated that a gypsum deposit must be able to furnish a mined product having a purity of 80 to 85% at the very lowest, in order to conform to the present standard

(Deposition of Joseph Jensen.)

practices in the gypsum business.

A. (Continuing.) The average mined material of this 9½-inch layer would probably only run about 60 to 65%. The occurrence of gypsite mapped on Exhibit "G" as at e' on the NW. ¼ NE. ¼ NW. ¼ Sec. 30, is of much the same character as to quality and thinness of deposit as my sample "d." The total exposure covers about an acre and a half, this being an excessive estimate of the area, and representing all of such material that can possibly exist here.

A. (Continuing.) There is no evidence that material of the character represented by sample "d" is more extensive than exposed. During the month of March, 1916, I returned to this exposure and took a sample which was representative of an 18-inch layer of material exposed in c' and "d," and the trenches east of "d." This sample would be a much better average of the deposit; and while I do not consider that an 18-inch layer is a layer sufficiently thick to be reasonably workable, it would at least be more workable than the 9½-inch layer which I have described. This sample contains [488] 68.18% gypsum, but of course mining would reduce this percentage by approximately one-tenth.

A. (Continuing.) These exposures which I have thus described as occurring at a', c', "d," and included in sample "e," are all the exposures that exist on the N. ½ of the SE. ¼ NW. ¼ Sec. 30. They lack quality that justifies considering them to be of exceptional quality, and a nongypsum classification is therefore made.

(Deposition of Joseph Jensen.)

A. (Continuing.) NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 30. The exposure of gypsum-bearing material was noted at d'. This occupies a small knoll having an area of 50 to 100 square feet. This showing was so limited that even if the material was extremely pure, an attempt at its extraction would not be warranted.

A. (Continuing.) The amorphous gypsite is hardly 9 inches thick, and carries an overburden of 3 inches of soil. A nongypsum classification of the tract is made because both quantity and quality are lacking.

A. (Continuing.) NW. NW. NW. Sec. 30. Gypsum-bearing material was noted in a shaft at "b," of the usual pattern dug for a cellar for oil derricks. The overburden varies in thickness in the sides of this shaft from 8 inches to 2 feet, but will generally average at least one foot. On digging into the gypsum it was found to be extremely hard; the upper foot, in fact, being so hard that cutting a trench in it back from the face had to be abandoned. Thinking that this hardness was solely due to exposure, I made two holes in the earth away from the shaft a short distance. These holes established the fact that the upper layer of gypsum material was a very hard crust at least a foot thick. This observation was further confirmed by the fact that the most of the gypsum removed from the holes was hard large blocks. A sample taken across 21 to 27 inches of material contained 76.20% gypsum. Because of the [489] extreme hardness of this gypsite layer, it would be extremely difficult to remove the surface overburden

(Deposition of Joseph Jensen.)

of soil. When the scraper would strike two projections of hard material it would skip over the low places between, and leave all of the soil. For this reason mining would materially reduce the purity of the mined product as compared with my sample. This single isolated exposure of mineral gives absolutely no evidence of extent. My general experience, based on a study of this region and others, indicates that its extent would most probably be extremely limited, so that no quantity of such material would be present. This would not justify any attempt at operating. The mined product would not equal 76.20% gypsum, but would more probably fall down to 60 to 70%, which would be considerably less than the lower limit of 80 to 85% which I have previously noted. Another important factor to consider in connection with this very hard rock-like material is that it could not be used even for the simplest purpose, as a land plaster, without considerable and expensive preparation.

A. (Continuing.) The cost of the removal of this material would be greatly increased because it is too hard to work with a plow and scraper; the gypsite would have to be blasted. Large charges of powder could not be used because they would tear things up generally, and mix the gypsite with the earth. After mining, the material would have to be reduced in size and then dried in some form of drying machinery. Following this treatment it would have to be ground in a bur mill in order to reduce it to such a form that it would be valuable for any of the common

(Deposition of Joseph Jensen.)

purposes of the gypsum industry, even such as a land plaster. Such an operation, would require a large expenditure for motive power, crushing machinery, drying machinery, fine grinding machinery, and in fact would call for an entire gypsum plant. The proven extent of the occurrence [490] is limited to a shaft 8 by 8 feet in a horizontal area, so that I do not believe an expenditure of several thousand dollars would be warranted, based on such an isolated occurrence. In addition to this fact, the product that could be produced in such a plant would still be of much lower grade than that which is ordinarily used in the gypsum industry.

A. (Continuing.) Because of these conditions the ten acres is classified as nongypsum and nonmineral.

A. (Continuing.) S. $1\frac{1}{2}$ of the NW. NW. Sec. 30. No exposures of gypsum-bearing material were noted on these 20 acres, and each ten-acre tract is classified as nongypsum. This particular 20 acres is on a flat west of the hills.

Q. Did you make a careful examination of this tract of ten-acre subdivisions? A. I did.

Q. Was there any evidence whatever, either by way of natural exposures or development work, which would indicate the presence of deposits of gypsite?

A. The only work that occurred here was the oiled road which I have got mapped, and which crosses this 20 acres. Cuts along the road did not show any gypsite. The location of the tract away from the hills was not favorable to the occurrence of the amorphous gypsite layer.

(Deposition of Joseph Jensen.)

S. $\frac{1}{2}$ NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ of Sec. 30. A careful survey was made to determine whether or not the showing of gypsite at c' d extended onto this 20 acres. It was found that no part of this occurrence extended far enough south. Owing to the fact that this tract covers the bottom and side slopes of a large gulch or ravine, there is little hope of any gypsite being found thereon. Except at the point b' this has proven true. A point of the gulch bank is located to the east of b'. Originally [491] it appears that some gypsum excavations were made here, but a fill has been made around the boiler plant so that the original surface of the ground cannot be seen. In order to determine what the original character of the gypsite was, two test holes were dug. One showed 5 inches of gypsite covered with 7 inches of soil. The other was all an earthy gypsite. As near as could be determined, the occurrence at b' was also extremely limited. It was neither high enough in quantity to warrant taking a sample, and was wholly lacking in extent or evidence of quantity. This was the only evidence of gypsum on the entire 20 acres. Each ten-acre tract is therefore classified as nongypsum and nonmineral.

A. (Continuing.) Now comes the N. $\frac{1}{2}$ SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ of Sec. 30. A boulevard-like excavation 250 feet long and 14 feet wide has been made at "c." It constituted assessment work for the year 1913, and was constructed at a cost of \$100.00, and paid for at the rate of 40¢ a cubic yard. Though this work was done as recently as 1913, no effort was made to separate the surface soil from the gypsite

(Deposition of Joseph Jensen.)

below. The excavation represents an expenditure of \$100.00 for the purpose of showing an expenditure for assessment work, but it is of little value as a means of developing gypsum.

A. (Continuing.) A much less expenditure would have accomplished the same result, because of the intermixing of earth and gypsite the work has actually been a detriment for any continued development on the gypsum developed. It will now be impossible to recover the gypsite which has been removed from the 14x250 feet.

A. (Continuing.) Several test pits have been made in the vicinity of this work to determine the limits of a rather extensive showing of amorphous gypsite which extends across the dividing line between the NE. SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 30, and the NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 30. Most of the exposure is on the eastern ten-acre lot, [492] but as the exposure is the only one occurring on either ten-acre lot and is common to both, it is treated as a unit. On my map exhibit "G" at "c," I have shown where several test pits were made. These test pits were made at the most favorable points for the occurrence of the pure portions of amorphous gypsite. The sample which I took from these cuts would therefore be representative of the best that occurred here, and was not an average.

A. (Continuing.) Several observations were made to establish this fact. This sample was taken across a foot layer. It contained 70.87% gypsum. In the mining of this material it is highly probable

(Deposition of Joseph Jensen.)

that at least ten per cent of impurities would be mixed therewith, so as to reduce the purity of the mined material to 60 to 63%. In March, 1916, I returned to the boulevard portion of this exposure to take a second sample. On the south side of the cut my sample had the following thicknesses: 20 inches, 20 inches, 14 inches, 15 inches, 18 inches, 18 inches. On the north side, only 14 feet away, the thicknesses were: 6 inches, 14 inches, 14 inches, 10 inches, 12 inches, 0 inches, 12 inches. This sample was representative of the material exposed in the boulevard, and with the exception of the fact that, where no gypsite was present and no cut for the sample was taken, it would be an average of a layer approximately 15 to 18 inches thick.

A. (Continuing.) The sample contained 64.32% gypsum. As has been previously explained, the mined product secured at this point would contain a lesser percentage of gypsum, being more nearly about 55 to 58% gypsum.

A. (Continuing.) Even if the first sample "c," containing 70.87% gypsum, were representative of a large quantity of material rather than isolated rich portions, a product could not be mined here that would be sufficiently pure to be considered of value under present practice in California and elsewhere.

A. (Continuing.) As to the higher sample "c," quantity [493] is lacking as well as quality. There would be more material present like the lower sample "f" containing 64.32% gypsum, with a reduction for mining. However, the outside limits of

(Deposition of Joseph Jensen.)

this exposure are indicated on my map, Government's Exhibit "G." Because of the foregoing conditions the two ten-acre tracts: namely, NE. SE. NW. Sec. 30, and NW. SE. NW. Sec. 30, are classified as nongypsum.

A. (Continuing.) SW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 30. Conditions on this subdivision are not favorable for the occurrence of gypsite, since the tract lies on the open valley flat. An exposure of gypsum-bearing material was noted at e' of the SE. SW. NW. Sec. 30. Here 9 inches to one foot of earthy deposit occurs on a slight rise. Cuts made 20 feet west, 20 feet east, and 20 feet south, show practically no gypsite, thus indicating the limited extent at e'. An insufficient quantity of material is the first and most important objection to its consideration. The material would not carry as much as 50% gypsum even when selectively sampled. This is the only occurrence of gypsite on the SW. NW. Sec. 30. For this reason the land is classified as non-gypsum as to each of the ten-acre tracts embraced in this 40.

A. (Continuing.) SW. SE. NW. Sec. 30. No exposure of gypsum-bearing material was noted on this tract. Conditions are not favorable for its occurrence. A nongypsum classification is made.

A. (Continuing.) SE. SE. NW. Sec. 30. At the point "a" a V-shaped area has been cleared by scraping the dirt to either side, as shown on the map exhibit "G." Both arms of the "V" are about 125 feet long and 30 to 50 feet wide. The overburden was there not more than 6 to 8 inches thick. The

(Deposition of Joseph Jensen.)

layer of amorphous gypsite varies from 2 to 6 inches in thickness. A sample was taken from the upper one foot of the best looking material. It contained 60.50% gypsum, but mining would reduce this purity in the mined product. This percentage is not sufficient to distinguish the deposit as one of special value or possessing exceptional qualities. A non-gypsum [494] classification is therefore made.

Mr. MURPHY.—Before leaving this quarter section, NW. of 30, I desire to ask you what is the proportion of the area showing gypsum to the entire 160 acres?

A. The total exposures would not amount to more than an area of 3 to 6 acres in the entire 160 acres. The topographical features of the claim are such as to indicate that there will not be any unexposed deposit of amorphous gypsite of a quality of as much as 50 to 55%, and furthermore, that exposures of this character will be limited to the higher portions of such as the gulch banks on the claim.

Section 32.

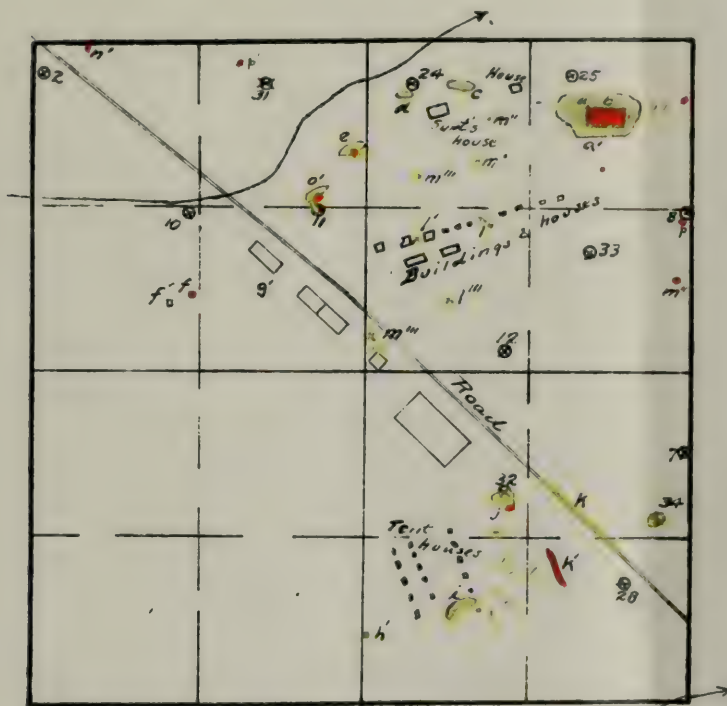
Mr. MURPHY.—We will now take up the NW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M., embraced in Mineral Application No. 03448, and will ask you to briefly describe the topographical features of this quarter-section. First, however, I will ask you to identify plat of this quarter-section marked Government's Exhibit "H" which we desire to offer in evidence.

(Government's Exhibit "H" is in words and figures following:) [495]

7-11-17 Ex H
See transe p 87, 115

PETROLEUM PLACER

NW 1/4 SEC 32, T26S-R21E.



Scale 1 inch = 660 feet.

- No gypsum exposed
- Natural exposure of gypsum
- Gypsum developed by assessment work or otherwise.

2,710 Oil wells of Universal Oil Co. (2,210 dry)
a, b, m Points where gypsum was noted.

No-A-37-Eg U S vs Devils Den Crused Oil Co. et al
" A-52 " " " " Lost Hills Zug Co. et al
" A-57 " " " " " " " " " "

Plffs Exhibit - "H" - Filed Aug-22-1916
Wm M. Van Dyke Clerk

VISALIA 03448, By JF Ferrer Deputy.
Case 3829.

J.J. 1/27/17.

(Deposition of Joseph Jensen.)

A. This map was prepared by me, and is based on surveys made in the field. This claim, for the most part, covers the crest of the Lost Hills anticline, but the Lost Hills have so gently merged into the general slope of the San Joaquin Valley that there is very little difference in elevation between the northwest corner of this quarter-section and its northeast corner. The gulch shown in the north half of the claim running easterly, however, has banks that are from 20 to 30 feet high. It is a broad and open gulch. The SW. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of Sec. 32 is entirely out on the flat.

This claim contains the camp of the Universal Oil Co. and the map, exhibit "H," shows the location of the various improvements. The buildings on the southwest side of the road consist of [496] a garage, machine-shop and barn. This quarter-section also contains a much larger number of wells than any other quarter-section involved in this proceeding. The location of these wells is located on the map.

In dealing with the separate ten-acre tracts on this particular claim, reference will be made to "Government's Exhibit "H," and the points noted thereon, without particularly calling attention each time to the fact that Government's Exhibit "H" is the map to which I refer.

The WITNESS.—(Continuing.) I examined this quarter-section in ten-acre subdivisions. I made a note of all the exposures, both natural and artificial, of gypsum found on this tract. They appear on this map marked Government's Exhibit "H."

(Deposition of Joseph Jensen.)

Q. You may proceed and give a detailed statement of your examination and classification of the various ten-acre tracts embraced in this quarter-section.

A. NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: This subdivision contains nearly all of the gypsum development work which has been done on the NW. $\frac{1}{4}$ of Sec. 32. At the points *a* and *b* about an acre and a half have been scraped to remove the surface overburden which covers the gypsite. It is difficult to determine what the exact thickness of this overburden may have been, but it was probably about one foot thick.

Eleven trenches have been constructed in the amorphous gypsite. Nine of these are 50x8 feet wide, and have an average depth of one and one-half feet. The nine trenches are all parallel, and have been placed about 12 feet apart. A tenth parallel trench is 12 feet wide, 50 feet long, and has an average depth of one to one-half feet. An eleventh trench runs at right angles to these ten trenches. It is 117 feet long by 8 feet wide by one and one-half feet deep.

At twenty-three different points in these trenches [497] cuts were made, one and one-half to two feet back from the side for a sample. In each case, this sample was confined to the amorphous gypsite, and was not contaminated by taking any of the gypsiferous earth below, or traces of soil above. The thickness of the gypsite varied from two to ten inches, but on an average would be six to eight inches thick.

(Deposition of Joseph Jensen.)

This sample was carefully reduced from 75 pounds by quartering. It contained 61.12 per cent gross. Mining will reduce this percentage of purity in the mined product about one-tenth.

A second sample was taken across the middle of each one of the trenches. In this sample no amorphous gypsite was taken. Only the gypsiferous earth lying in the bottom of the trench was sampled. This sample showed 51.45 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. A third sample of the material represented by the one and one-half feet of depth of the trench, contained 56.59 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. This last figure is approximately an average of the two preceding ones.

In the construction of these trenches, it will be remembered that the surface overburden was removed, but no attempt was made to separate the 51 per cent gypsite from the 61 per cent gypsite, though the latter material occurred on the ground on top of the other. Mining will reduce these percentages of purity of 51 and 61 per cent in the mined product, about one-tenth. After excavating, the relationship would be reversed so that the various dumps now contain a lower grade material on top than inside. The whole is now so mixed that no separation is possible.

This exposure at *a* and *b* near the center of this ten-acre lot, is by far the most important found thereon. To the east and to the west of the same,

(Deposition of Joseph Jensen.)

exposures of gypsite are found, but they [498] are of less importance and deserve nothing more than mere mention.

As has already been set forth in this report, the common occurrence of such low grade deposits of gypsite, and the uses to which it can be put, are such factors as to prevent considering a material of 61.12 per cent (mining will reduce the percentage of purity in the mined product about one-tenth) as one of special value or exceptional quality. For this reason, the tract is given a nonmineral classification.

Trees planted by the roadside were found to be in a flourishing condition, though some of the most easterly trees that had died had not been replaced.

NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: This tract covers the top and north slope of a gulch bank. Along its side, natural exposures of gypsite occur at the points *c* and *d*. In addition to these occurrences, evidences of an impure gypsite were found at the points *m'*, *m''*, and *m'''*. Only the showing at *c* and *d* are of any extent.

At *c* the exposure covered an area of 25x60 feet. A sample taken at about ten different points showed 53.83 per cent. Mining will reduce this percentage of purity in the mined product about one-tenth. The thickness of the gypsite was not determined. This percentage is higher than that which would occur in a layer of any considerable thickness, since the sample was limited to the top 3 to 6 inches of material. This is always the richest occurring in the deposit.

At *d* the exposure was about 35 feet long, and

(Deposition of Joseph Jensen.)

15-20 feet wide. No general sample was taken, but a grab sample of the best looking material was selected. It contained 61.55 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. This grab sample should be at least 5 to 10 per cent higher than the average material occurring at the point [499] *d*, and besides this mining would make a further reduction in purity.

The objection raised against the showings of gypsite at *c* and *d* are:

First: That neither one is extensive enough to warrant its extraction.

Second: That even the higher percentage, 61.55, is not of sufficient importance to warrant considering the gypsite as being of special value or exceptional quality.

A nongypsum classification is therefore made.

NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: This subdivision is cut diagonally by a gulch. On the north line of the tract a slight exposure of impure gypsite was noted by the side of a road. Other exposures were noted at *e* and *o'*. The showing at *o'* occurs north of Uv. 11-32, this well being located on the ten-acre lot to the south. Owing to the oil-development work a goodly portion of the deposit at *o'* has been removed or impregnated by oil so as to be absolutely valueless.

At *e* the exposure of gypsite is about 30 feet wide and 125 feet long. At one point a cut has been made through the earth overburden, and the gypsite beneath. Here the overburden was only 3 to 6 inches

(Deposition of Joseph Jensen.)

thick, while the gypsite was about a foot thick, but it overlay a gravel streak 6 inches thick. Traces of gravel extended upward into the gypsite. A selected sample was taken of the one-foot layer of gypsite. It contained 34.78 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. Clearly such a showing is of no value as the basis of a gypsum classification.

The grazing value of the land is equal to that of similar land in this region. The slopes of the gulch which cut across the lot are not any steeper than many hillsides that are plowed and cultivated in California. [500]

NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: On the north line of this ten-acre tract, at *n'*, a cut 6x12x3 feet has been made. The overburden is from one to two feet thick. A very impure earthy gypsite, from one to one and one-half feet thick occurs here. Inspection without sampling was convincing of the fact that the gypsite was more than one-half earth. The extent of same was not indicated or proven by any other workings. This is the only showing of gypsiferous material on the tract. It merits only a nonmineral classification.

SW. $\frac{1}{4}$ NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: At the points *f* and *f'*, two derrick cellars have been dug. Both are about 10 to 12 feet deep. At *f'*, beneath 6 to 10 inches of soil, there is a hard layer cemented with lime and gypsum. Possibly 25 per cent of the material may be gypsum. Below this is a sandy soil and clay.

At *f* the overburden is from one and one-half to

(Deposition of Joseph Jensen.)

two and one-half feet thick. This covers about one foot of amorphous gypsite and three and one-half feet of earth with gypsum crystals. A sample was taken of the material, but the showing was of such little importance as not to warrant having it analyzed. The lot is classified as nongypsum.

SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: At the point *o'* on the north line of this tract, the gypsite occurrence extends a few feet south of the line; but, as already explained, the oil-development work incidental to Uv. 11-32 has destroyed its value. Most of the material has been removed. This is the only showing of gypsite noted on the tract. It necessitates a nongypsum classification.

It is of interest to know that Uv. 11-32 is very near the north line of this lot. In fact, it is not more than 6 to 10 feet [501] south thereof. The well is still producing. It must draw part of its oil from the tract to the north.

The extensive operations of the Company have destroyed the grazing value of more than half of this subdivision, yet it is true that in the northeast corner of the same there are several trees growing. These are a part of the improvements of the main camp.

SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: Slight exposures of gypsite were noted at *m'''*, *l'*, *l''*, and *l'''*. Those showings at *m'''* and *l'''* were of a thin layer of amorphous gypsum, which might possibly have been three to six inches thick. No development work was done to indicate their extent or value. At *l'* and *l''* clods of gypsum were noted. These were the exposures of

(Deposition of Joseph Jensen.)

three to six-inch gypsite veins occurring in the earth. Such clods might contain as much as 60 per cent gypsum; but, as the veins are so narrow, their extraction would not be justified under any condition.

SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: The showing at *m*'' is absolutely of no consequence. At *p* a cut was found which showed 6 inches to a foot of soil covering 10 inches to 1 foot of gypsite. The sample of this material contained 37.70 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. This is clearly of no special value or exceptional quality. A nongypsum classification is made.

NE. $\frac{1}{4}$ SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: Gypsite is exposed on the slight rise located at Uv. 34. This gypsite layer is not more than three to six inches thick. It is open to the further criticism that the oil-development work has saturated a goodly portion thereof with oil, so as to completely [502] destroy its value for any purpose.

Gypsite is also exposed at *k*, along the main diagonal road which crosses this claim. This road has been cut about one foot deep on both sides. A soil mantle, hardly more than three inches thick, but occasionally 6 to 10 inches thick, covers a 6-to-10-inch layer of gypsite. A sample was taken at several points on both sides of the road, for a distance of about 250 feet. This sample contained 48.80 per cent gypsum. Mining will reduce this purity in the mined product about one-tenth. It seems probable that to the southwest of *k* the claim will also be

(Deposition of Joseph Jensen.)

underlain by a similar impure gypsite. However, material which is only 48.80 per cent pure (mining will reduce this percentage of purity in the mined product about one-tenth) is neither of such special value nor exceptional quality as to call for a gypsum classification.

NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: Several tent-houses are located on the south half of this land and the ten-acre tract to the south. In preparing for this construction, the area was cleared of brush, plowed and rolled. Thereafter it was sprinkled with oil. This work has so mixed the soil with the crude gypsite below, that small showings of gypsite are noted at several points; but because of this very construction, even the "talking" value of the gypsite has been destroyed.

At the point *j*, near Uv. 32-32, gypsite is exposed in the sump constructed for this well. A layer 6 inches thick was noted. A sample was taken across this 6 inches of material and into the upper six inches of crystalline material beneath. The same showed 46.87 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. This exposure of mineral was incidental to oil-development work. Similar exposures at *k* and *k'* indicate that a like character of [503] material will probably be found over a larger area. It is of interest to note that the samples taken at *j* and *k* are found to be within two per cent of each other, indicating a rather uniform character of gypsite. Material which contains 46 to 48 per cent

(Deposition of Joseph Jensen.)

gypsum—and mining will reduce this percentage of purity in the mined produce about one-tenth—is not of special value or of exceptional quality. The subdivision is, therefore, classified as nongypsum.

SW. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: No exposure of gypsite was noted on any part of this 40-acre tract, though it was examined with care. Its value for grazing and dry farming is similar to that of adjoining lands in the region. The land has a very small slope to the south.

SW. $\frac{1}{4}$ SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: Nearly a third of this subdivision is covered with tenthouses and the yards adjacent thereto. In making preparations for these structures the ground was first cleared of brush, then plowed and oiled. This work has mixed the earth with the gypsum below so that a possible gypsum value is out of the question.

At the south end of this work, however, an exposure of gypsite was noted at *i*. Six holes were dug in this material, each being from a foot to a foot and one-half deep. The layer of gypsite is from 3 to 6 inches thick. Below this, the material grades rapidly into earth. The 3 to 6-inch layer of amorphous gypsite contained 58.61 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. In addition to this gypsum being of such poor quality, there is such a small quantity that the same is devoid of any value.

A small excavation also exists at *h'*. Little can be said of the showing of gypsum at this point, as it

(Deposition of Joseph Jensen.)

was so unimportant that the taking of a sample was not warranted. [505]

To the northeast of *i*, ground has been plowed and rolled in the same manner as in the yards surrounding the tent-houses. In this way a very large number of exposures of gypsite occur, but investigation invariably shows that the gypsite is so thin that the working of the same would be entirely out of the question. The showing at *i* was by far the best on the ten-acre lot, but this showing is of no special value or exceptional quality, and does not warrant a gypsum classification.

SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32: Exposures of gypsite were noted along the road at *k* and at *k'*. The showing at *k* is along the main diagonal road which crosses to this claim. This road has been cut about one foot deep on both sides, in order to form a crown which has been oiled. A soil mantle, hardly more than 3 inches thick, but occasionally 6 to 10 inches thick, covers a 6 to 10-inch layer of gypsite. A sample was taken at several points at both sides of the road for a distance of 250 feet. This sample contained 48.80 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. It seems probably that to the southwest of *k* a similar gypsite occurs. However, material which is only 48.80 per cent pure—and mining would reduce this percentage of purity in the mined product about one-tenth—is neither of such special value nor exceptional quality as to call for a gypsum classification.

(Deposition of Joseph Jensen.)

The showing at *k'* is similar to that at *k*, but the layer of amorphous gypsite is not so thick. These two showings are not of sufficient importance to justify any other than a nongypsum classification.

SUMMARY OF CLASSIFICATION:

Occurrences of gypsite were noted on every part of this claim except the SW. $\frac{1}{4}$, containing 40 acres. In most places the quantity of gypsum was sufficiently small to justify the rejection of the same as a mineral showing, irrespective of its quality.

At the point *ab* on the NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32, and on the [506] NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32, the showings were the most extensive. Likewise, the highest grade gypsite was noted there. The best percentage found was about 61 per cent; but of course mining would reduce this percentage of purity in the mined product about one-tenth. As has already been explained, this gypsum is not one of special value or exceptional quality.

Mr. MURPHY.—Before leaving this quarter-section I desire to ask you what is the proportion of the area showing gypsite, either by natural or artificial exposures, to the entire 160 acres? .

A. Material containing more than 60 per cent gypsum is extremely limited, and when considered as a layer one-foot thick, it will only be found in the area at *ab* on the NE. NE. NW. Sec. 32. It is true that samples *c* and *d*, from the NW. NE. NW. Sec. 32, carry a similar percentage, but these samples are not of one-foot layers. They are from very selective samples of 3 to 6-inch layers, and are not under any

(Deposition of Joseph Jensen.)

condition representative of a workable deposit.

Gypsum-bearing material of a purity of less than 50 per cent as it occurs in the ground, and of even less purity when considered as a mined product, occurs rather widely over this claim, particularly in the west half NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32. There is also a rather extensive area of this very low grade material situated near the center of the SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ Sec. 32.

Q. Does the map marked Government's Exhibit "H" show the approximate area of the gypsum exposed to this tract? A. It does.

Q. We will now take up the NE. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M., embraced in Mineral Application No. 03457. Did you examine this quarter section by ten-acre tracts or subdivisions?

A. I did.

The WITNESS.—(Continuing.) I made a classification of each [507] subdivision. As a result of my examination of this quarter section, I prepared a plat showing the conditions as found by me on this tract, and based same upon a careful survey.

Q. I hand you Government's Exhibit "I" and ask you to identify it.

A. This is a map prepared by me.

Mr. MURPHY.—We offer in evidence map marked Government's Exhibit "I."

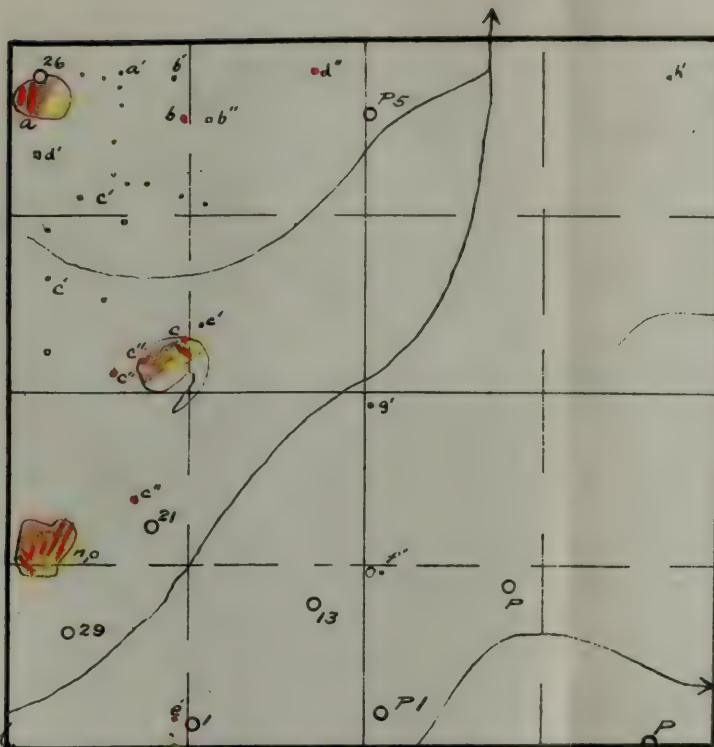
(Government's Exhibit "I" is in words and figures following:) [508]

Gilt Exh I

See transcript of Aug 21/15

EAGLE PLACER

NE 1/4 SEC 32, T26S-R21E.



No. A 37-Eg
 " " 52-Eg
 " " 57-Eg
 21 & 22
 Devils den
 Courser Oil Co
 Lost Hills Wg
 Co. Et al

Scale 1 inch = 660 feet.

- No gypsum exposed
- Natural exposure of gypsum*
- Gypsum developed by assessment work or otherwise

1, 13, 21 Oil wells of Universal Oil Co.

P1, P Wells and derricks on old Prestage lease

a, b, c" Points where attempt was made to develop gypsum, or points where gypsum was noted.

Platts - Exhibit "I" - Filed Aug-22-1916

Wm W. Van Wyke Clerk

By J. J. Green Deputy

(Deposition of Joseph Jensen.)

Q. What are the topographical features of this tract?

A. The eastern half of this tract covers a portion of the valley floor of the San Joaquin Valley, and the east side of the Lost Hills. While on my map or sketch I have represented several gulches, they are no longer in this portion of the Lost Hills deserving of this name since they are rather swales. I have sketched them, however, more for the purpose of indicating the low points, since in these low places the occurrence of amorphous gypsite is not common.

The east half of the claim is practically level. In fact, the entire claim only has a gentle slope to the east, and the difference in elevation in the half mile between any of the corners of the claim, to an ordinary person not an engineer, would appear as insignificant.

Mr. MURPHY.—In connection with Mr. Jensen's testimony as to this quarter section, I desire to state that the letters or figures referred to by him as indicating points of outcrop or wells correspond with the letters and figures appearing on the Government's map marked exhibit "I."

Q. You may proceed with a detailed statement of your examination and classification of the various ten-acre tracts embraced in this quarter section?
[509]

NE. $\frac{1}{2}$, NE. $\frac{1}{4}$, Sec. 32; Excavations for cellars and sumps have been made at the points *P1*, *P5*, *f'*, *g'* and *h'*. At none of these points except *f'* was even a trace of gypsum noted. At *f'* a paper-like crust

(Deposition of Joseph Jensen.)

of gypsite was noted in a sump. A cellar near by showed a slight trace of gypsum. This showing is not sufficient to establish any gypsum value. The entire E. $\frac{1}{2}$ NE. $\frac{1}{4}$ Sec. 32 is classed as non-gypsum.

NE. $\frac{1}{4}$, NW. $\frac{1}{4}$, NE. $\frac{1}{4}$, Sec. 32: Exposures of gypsiferous earth were found at *b''* and *d''*. The opening at *b''* is a hole about 2 feet deep. No amorphous gypsite was noted. The bottom of the hole contained some gypsiferous earth. At *d''* the gypsum is exposed in a cellar. The overburden was two to three feet thick. Beneath this is a two-foot layer of impure gypsum-bearing material. This is underlain by a clay and then a gravel streak. The gypsiferous earth was so impure that the taking of a sample was not warranted.

These two showings indicate that the gypsum occurring on this legal subdivision is of no special value or exceptional quality. A non-gypsum classification is made.

NW. $\frac{1}{4}$, NW. $\frac{1}{4}$, NE. $\frac{1}{4}$, Sec. 32: The principal showing of gypsite is located at *a*. A little more than one-half acre of land has been scraped so as to show the gypsite below. The overburden appears to have been six inches thick. At the west side of this cleared area there are two trenches. At cuts made in these trenches amorphous gypsum was found to have the following thicknesses in inches: 2, 3, 5, 4, 9, 3 and 3, or an approximate average of about 4 inches.

In this case a sample was taken of a one-foot layer of material so as to include all of the amorphous gyp-

(Deposition of Joseph Jensen.)

sum and some gypsiferous material below. The same was taken across one foot of material [510] because it appeared self-evident that any attempt to mine a bed of less thickness could not even be suggested. Owing to the thinness of the amorphous layer a sample of it alone would be unwarranted. This sample of one foot of material contained 48.52 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth.

At *b* there is a cellar having an overburden one and one-half to two and one-half feet thick; but generally about two feet. The amorphous gypsite layer is not entirely absent but occurs as white balls or clods with masses of earth along side. This layer varies from nothing to one foot thick. Owing to the fact that the showing of *a* is of much more importance and significance than that of *b*, no sample was taken, since the gypsum character of the subdivision would be determined by the showing at *a*.

The small holes shown at *a'* and *c'* are test pits, dug for the purpose of discovering gypsum. These test pits are usually one and one-half to two feet deep. The test pit at *a'* showed a scattering of crystals, representing approximately one-fifth of the whole. The test pits at *c'* showed no gypsum whatsoever.

A cellar is located at *d'*. It is about four feet deep. A scattering of gravel was noticed in the hole, but there was no sign of gypsum.

The best showing on this tract is that noted at *a*,

but the percentage, 48.52, which would be reduced in purity in the mined product about one-tenth, is not sufficiently high to justify holding the gypsum to be of special value or exceptional quality. The subdivision is classified as nongypsum.

S. $\frac{1}{2}$, NW. $\frac{1}{4}$, NE. $\frac{1}{4}$, Sec. 32: Small prospect cuts for gypsum occur at the point *c'*, but none of these cuts contain gypsum. The principal showing of [511] gypsum-bearing material is at *c*. Here the overburden from an area 200x25 feet has been scrapped off in part, but not in full, as two or three inches still remain. Originally, it was probably about six inches thick. On this section, gypsite has been exposed, but in addition thereto other land has been scraped without exposing any gypsum. Its limits are sketched approximately on the plat. Practically no amorphous gypsite was noted at this point. As there appeared to be no change in character in the gypsiferous earth the sample was taken across one and one-half feet of material at four different points. This sample contained 36.02 gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth.

At *c''* the showing of gypsiferous earth is similar to that noted at *c*. This is approximately the western limits of the showing, as *c* is on a slight rise and *c''* is at the western base of the same. While a considerable quantity of gypsum-bearing material exists here it is of such poor quality and so lacking in any special value as to necessitate a nongypsum classification.

NE. $\frac{1}{4}$, SW. $\frac{1}{4}$, NE. $\frac{1}{4}$, Sec. 32: A very small

(Deposition of Joseph Jensen.)

showing of gypsite has been made in a cut near *g'* in the northeast corner of this tract. Save that it marks an occurrence of gypsite it is of no significance.

NW. $\frac{1}{4}$, SW. $\frac{1}{4}$, NE. $\frac{1}{4}$, Sec. 32: A small showing of gypsum was noted at *c''*. It was similar in character to that already described at *c* and the other point marked *c''*. The principal showing on this legal subdivision is at points *n*, *o*. Here the overburden has been removed from nearly an acre of ground. Five trenches have been dug so as to expose the gypsite, while a ditch for a pipe-line further furnishes [512] other exposures of mineral so as to permit the taking of an accurate sample. For the most part the layer of amorphous gypsite was only two or three inches thick, but at one point on a slight rise the layer was found to be a foot thick.

In view of the general thinness of the amorphous layer, and the fact that the mining of a bed less than a foot thick can hardly be suggested, a sample was taken from about 10 different points across a one-foot layer. This contained 53.57 per cent gypsum, but of course mining will reduce this per centage of purity in the mined product about one-tenth.

Another sample was taken in these trenches across a one and one-half foot layer, but it was not representative because it included a large proportion of the rich veneer which, I have stated, occurs on the sides of the trenches. Even while thus adulterated this sample one and one-half foot layer only carried 50.48 per cent gypsum, thus indicating the difference

(Deposition of Joseph Jensen.)

in purity between a one-foot and the one and one-half foot layer. Any product mined here would be of a lesser per cent than the sample I have taken.

April 8th, 1916.

WITNESS. — (Continuing.) Such percentage distinguishes the occurrence as one of no special value and without an exceptional quality of gypsum. For this reason a nongypsum classification is made.

SW. $\frac{1}{4}$, SW. $\frac{1}{4}$, NE. $\frac{1}{4}$, Sec. 32: Exposures of gypsum were observed at *d*, *e'* and *n*, *o*. The showing at *n*, *o* has been described and held to be of insufficient importance to justify a gypsum classification. In addition to this fact it should be added that the deposit hardly continues into this 10-acre tract. [513]

At *d* the showing is almost entirely on an adjoining 10-acre lot. It is about 100 feet long and possibly 20 to 30 feet wide. A single sample of the entire showing was taken by making excavations at five different points. It was found that the amorphous deposit in three of these holes was only one inch thick. The two holes located on this tract showed a layer of material three and six inches thick. The sample contained 57.38 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth. Not more than 100 to 200 square feet of this material is on this 10-acre lot, and it is from 3 to 6 inches thick. The gypsite on this small area is underlain by earth containing gypsum, but of much lower grade than the sample which is referred to.

(Deposition of Joseph Jensen.)

The material is not of sufficient importance to justify a gypsum classification for two reasons:

1st: There is not enough.

2d: The percentage of gypsum contained therein is not sufficient to distinguish the deposit as one of special value or exceptional quality.

At *e'* there was once an amorphous gypsite, but most of it has been scraped away; very probably to form a sump hole. Only the granular earth base remains though a few scattered spots of isolated gypsum occur. These are so small that one could hardly gather a wagon load by carefully shovelling up all of the material.

SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ Sec. 32: No exposure of gypsum-bearing material was found on this subdivision. Owing to the fact that the discovery well and one of the best wells on Sec. 32 occurs on this tract the same was examined a second time to confirm the previous observation, but without any different result. [514]

SUMMARY OF CLASSIFICATION.

Only the exposures of gypsum at *a*, *c* and *n* are of such extent that it might possibly be alleged that they were workable deposits. It is not the practice in the west to attempt the mining of deposits of such thinness as those noted at *a*, *c* and *n*. The best material was that found at *n*, the same being 53.57 per cent pure, but this would be reduced in mining by about one-tenth.

The showings at *a* and *c* were 48.52 per cent and 36.02 per cent. Mining will reduce these percentages

(Deposition of Joseph Jensen.)

of purity in the mined product about one-tenth. All of these percentages are so low as to distinguish the deposits as being of no special value and lacking material of exceptional quality.

These three occurrences occur in the west tier of 10-acre lots in the claim, being the W. $\frac{1}{2}$ W. $\frac{1}{2}$ NE. $\frac{1}{4}$ Sec. 32. The entire claim is therefore given a non-gypsum classification.

Furthermore, this work has been placed at the only favorable points on the claim, and the showings developed constitute all that there is any hope of finding on the claim.

SW. $\frac{1}{4}$ Sec. 32:

Mr. MURPHY.—We will not take up the SW. $\frac{1}{4}$ of Sec. 32, T. 26 S., R. 21 E., M. D. M., embraced in Mineral Application No. 03459, and I will ask you, Mr. Jensen, if you made a careful, detailed examination of this quarter section by ten-acre subdivisions?

A. I did.

Q. As a result of this examination, did you prepare a plat showing what you found on the land?

A. I did.

Q. I hand you what purports to be a map of the SW. $\frac{1}{4}$ of Sec. 32, marked Government's Exhibit "J," and ask you to identify [515] it.

(Government's Exhibit "J." is in words and figures following:) [516]

Gen + Exp
See map - 0 40
116

JUDGE PLACER

SW 1/4 SEC 32, T26S-R21E.



Scale 1 inch = 660 feet

- No gypsum exposed
- Natural exposure of gypsum
- Gypsum developed by assessment work or otherwise.

3, 9, Oil wells of Universal Oil Co.
 a, b, c' Points where gypsum was noted.

No-A-37-Eq U S m Devils den owned Del Co et al
 " A-52-Eq U S " Lost Hills Mfg Co et al
 " A-57-Eq U S " " " " "

Reffs- Exhibit - J - Field Aug 22-1916

Wm W Vandyke - clerk
 By J J Green Deputy

(Deposition of Joseph Jensen.)

A. This is a map which I prepared, based upon my survey.

Mr. MURPHY.—We offer in evidence map prepared by Mr. Jensen, marked Government's Exhibit "J."

Mr. MURPHY.—Before taking up this quarter section by ten-acre tracts, I will ask you to briefly describe the topographical features of this quarter section.

A. This quarter section is practically level. More than one-eighth of it will hardly vary 5 to 10 feet in difference of elevation. The gulch which I have indicated at the north end of the claim is merely a wide flat draw that is hardly noticed until one reaches the east half of the claim. Here the difference of elevation between the bottom of the draw on the bank of the south side within the claim may be as much as 10 or 20 feet.

The Lost Hills have practically merged into the valley floor by the time the south half of Sec. 32 is reached, so that evidence of the anticline is furnished by wells which have been drilled and by the occurrences of gypsiferous material at certain points along its strike.

Q. You may now proceed with a detailed statement of your examination and findings, and also classification of the various legal subdivisions embraced in this quarter section, beginning with the W. $\frac{1}{2}$ SW. $\frac{1}{4}$ Sec. 32. In connection with Mr. Jensen's description of his findings on the SW. $\frac{1}{4}$ of 32, I desire to state that the letters and figures which he will refer to as

(Deposition of Joseph Jensen.)

designating the points where he found exposures or got a showing of gypsum or an oil well, correspond with the letters and figures found on plat marked Government's Exhibit "J."

A. This 80 acres covers land whose soil is a valley fill, and not a part of the Etchegoin formation in which the gypsiferous [517] earth occurs. No evidence of any kind suggesting or indicating or promising the presence of gypsum was observed, nor was any gypsite found on the west half of this quarter section. The land is perfectly flat, and supports a good growth of sage brush and grass. Its value as grazing and dry farming is equal to that of other lands of this vicinity.

In the center of this tract the claimant has constructed a pumping plant and refinery at a cost of about \$40,000 to \$50,000.

SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32: On this 40 acres there is no exposure of gypsum except at the point *a'* on the SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32. This is the point at which the Rotary rig was set up in 1910 and a hole drilled 400 feet deep. Mention thereof is made in the report of Special Agent C. D. Hamel.

The excavation of gypsite was incidental to this oil work and no mineral in place was observed, but a scattering of crystals was found on top of the dump. The overburden of earth observed was $1\frac{1}{2}$ feet thick, but its total thickness is not known as the gypsum was not seen in the ground. This slight showing of gypsite is only of value in indicating that the gypsiferous beds occur beneath this land. It is not suffi-

(Deposition of Joseph Jensen.)

cient to warrant drawing any conclusion other than that the land has no value for gypsum.

The surface of this SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32 is entirely level, and the land is similar in character to the W. $\frac{1}{2}$ SW. $\frac{1}{4}$ of the claim.

SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32: This 10-acre lot is similar to the W. $\frac{1}{2}$ SW. $\frac{1}{4}$ of Sec. 32 of the claim. No exposure of gypsite was noted.

SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32: At the point *c* a small excavation has been made. When first examined the west side thereof showed what appeared to be [518] a pure gypsite, while the east wall showed only a gypsiferous earth. In attempting to make an excavation on the west side of the cut, it was found that this side was a narrow gypsum vein. Behind it, there was only gypsiferous earth. The overburden here was one foot thick. My sample represents one and one-half feet of material below this. It contained 37.94 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth.

Another excavation on this 10-acre lot has been made at well Universal No. 9-32. An examination of this sump shows no gypsite.

Clearly the showing of 37.94 per cent gypsite (mining will reduce this percentage of purity in the mined product about one-tenth) at the point *c* is neither a valuable commercial nor an exceptional showing. The lot is, therefore, classed as not being valuable for gypsum.

(Deposition of Joseph Jensen.)

The soil is of the same character as that on the W. $\frac{1}{2}$ SW. $\frac{1}{4}$ Sec. 32.

NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32: An exposure of gypsite was noted at the point *b*. Five trenches have been excavated in this material at the expense of the applicant. A sample was taken from 20 different cuts or points on these trenches, having a total weight of 75 pounds. The material was between 1 and $1\frac{1}{2}$ feet thick, occasionally being as thin as 6 inches. This sample showed 52.86 per cent gypsum. Just what the overburden may have been here is not known, as the surface had been scraped at one time or another. Mining will reduce the above-mentioned 52.86 per cent sample in the mined product about one-tenth.

The gypsum at *b* is for the most part of the crystalline variety. Due to the intergrowth of crystals, it is particularly tough. Before it could be used in any way it would have to be [519] crushed. It is very improbable that it could be excavated by using a plow and scraper; more probably it would be necessary to pick the same or use powder. The showing is open to the further criticism that there are several impure streaks of earth that run across it in a northeasterly direction. It is not believed that a gypsite containing 52.86 per cent (mining will reduce this percentage of purity in the mined product about one-tenth) gypsum is sufficiently pure to justify classing the same as an exceptional exposure of gypsum.

The work which has been done at *b* on this 10-acre

(Deposition of Joseph Jensen.)

lot represents the extent of this material. In order to convince myself of this fact I made test pits around the outer limits of the work, and found that the showing of gypsiferous material was not to be compared even with the poor showing at *b*. The tract is therefore classed as nongypsum.

It is also interesting to note that between \$200 and \$300 have been spent at this point *b* in making the five trenches referred to. Absolutely no attempt was made, however, to sort out the earthy material that occurs in the east end of the trenches so as to secure a pure mineral. Its soil is similar to that of the W. $\frac{1}{2}$ SW. $\frac{1}{4}$ Sec. 32.

NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32: The showing of gypsite mentioned at the point *b* as occurring on the NW. $\frac{1}{4}$ NE, $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32 extends across the dividing line between the two 10-acre lots so that a portion thereof is on the NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32. This showing has already been discussed and is not considered of any value.

By examining exhibit "J" it will be observed that the eastern portion of the showing at *b* has been colored a lighter red. This has been done in order to indicate that while there is some [520] evidence of gypsum, it is not to be compared with the material at *b* in the trenches even though this material is very poor. This further clearing of the land has demonstrated the lack of extent of the showing at *b*.

The showing at the point *a*, at the east side of this 10-acre lot, has only a 2 to 6 inch layer of morphous material. The main mass is gypsiferous earth. A

(Deposition of Joseph Jensen.)

50-pound sample was taken from four different points in the two trenches at *a*. The deposit was from one to one and one-half feet thick. This sample contained 46.50 per cent gypsum. Mining will reduce this percentage of purity in the mined product about one-tenth.

At the point *c'* a 6 to 8 inch layer of earth had been carefully scraped away in the hope of exposing gypsum beneath. This work was rather fruitless. A layer of gypsum-bearing earth 3 to 6 inches thick was all that was exposed. No sample was taken as the bed was too thin and the gypsite too earthy.

The percentages of gypsum found on this 10-acre lot, namely, 46.50 and 52.86 (mining will reduce these percentages in the mined product about one-tenth) do not represent substances of such purity as to justify considering them deposits of exceptional quality or value.

This 10-acre lot had the same general character as agricultural land as the rest of the SW. $\frac{1}{4}$ of Sec. 32, but because of the construction of oil sumps, the drainage of salt water from wells, and the excavations for gypsum, the agricultural and grazing value is somewhat less.

SUMMARY.

The N. $\frac{1}{2}$ NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ Sec. 32 contains the only gypsite showings that exist upon the claim, the highest percentage being only 52.86 per cent. Mining will reduce this percentage of purity in the [521] mined product about one-tenth. This showing merits only a nongypsum classification.

(Deposition of Joseph Jensen.)

The entire quarter section is very level. It is valuable for dry farming and grazing.

The showings at *a'* and *c'* do not indicate the presence of any quantity of material, but rather that gypsum is present. The showing at *c* is of no extent and of very low grade material. The work done at *a* and *b* represents the total extent of gypsum-bearing material on this entire quarter section.

Mr. MURPHY.—Who made the analyses of the samples taken by you?

A. Smith, Emery & Company, of San Francisco, made the analyses of the samples which I took in 1914. The other samples which I took in 1916 were analysed by H. Coffman, Consulting Chemist and Analyst, of Riverside, formerly Chief Chemist for the Riverside Portland Cement Company.

The WITNESS.—(Continuing.) The certificate of Smith, Emery & Company shows the quantity of sulphuric anhydride (SO_3) present in each sample. To determine the quantity of gypsum present, the quantity of sulphuric anhydride must be multiplied by 2.15. It is simply a question of chemical arithmetic, because the quantity of gypsum in any sample is always 2.15 times the quantity of sulphuric anhydride, since it is assumed that the sulphuric anhydride is completely present as a part of the gypsum. The percentages of gypsum shown by me in my testimony are computed from the results of the analyses furnished by the chemist. These computations were made by me.

Q. I hand you certificates marked Government's Exhibit "K" and Government's Exhibit "L" and ask you to identify them. [522]

(Government's Exhibits "K" and "L" are in words and figures following:) [523]

Laboratory Certificate

SMITH, EMERY & COMPANY
Inspecting, Testing and Chemical
Engineers and Chemists

Gort Exh K

See Transcript p 112

San Francisco.

Laboratory
No. 31563 - 31600

Date, December 8, 1914

Sample Gypsum

Marked As below

Received November 28, 1914

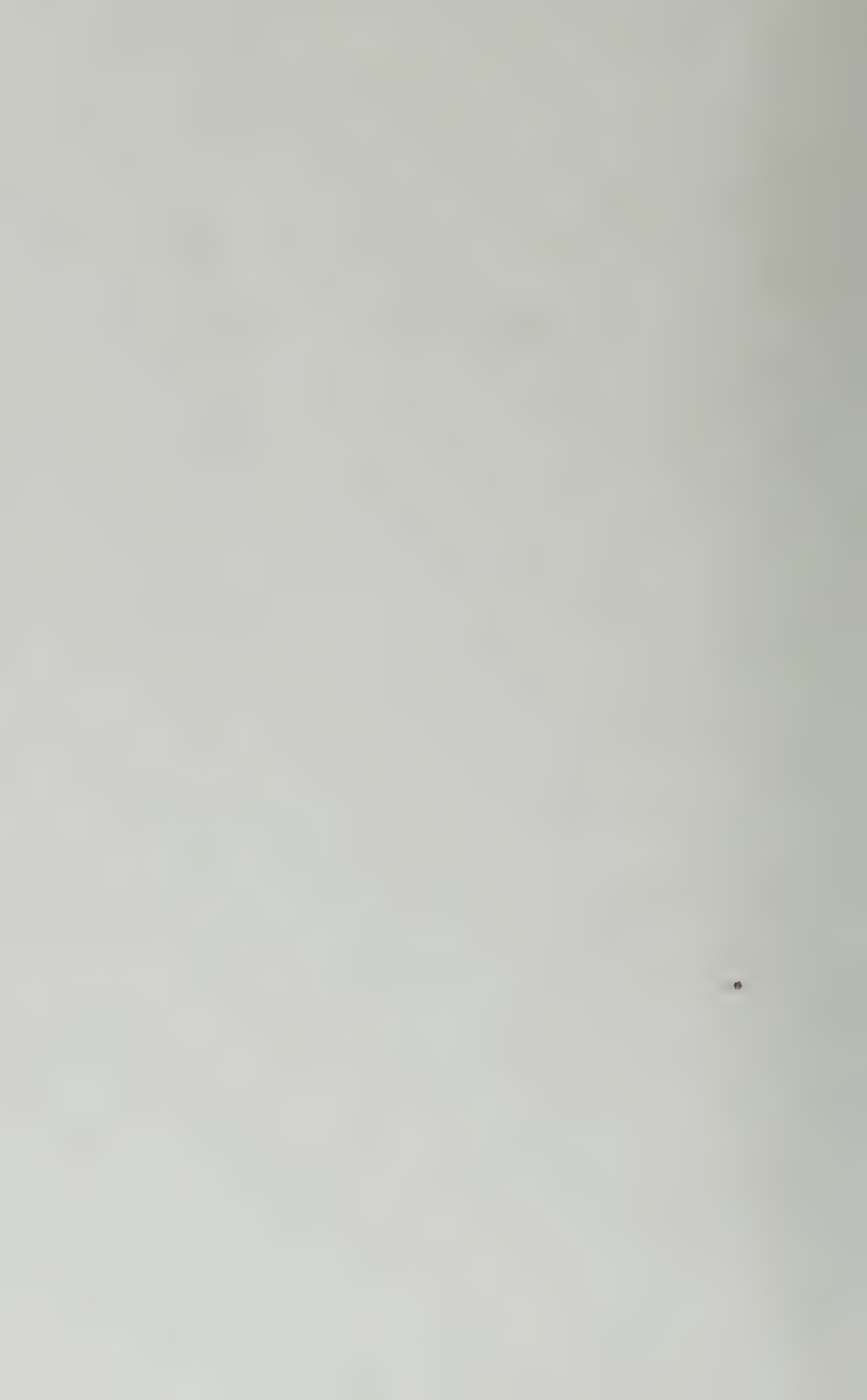
Submitted by Department of the Interior,
General Land Office,
512 Customs House,
San Francisco, Calif.

Mr. Joseph Jensen, Mineral Inspector

-- 0 --

| Lab. No. | Mark | Sulphuric Anhydride (SO ₃) | % of Gypsum Calculated by Jensen |
|----------|----------|--|--|
| 31563 | J12a 18 | 23.92% | 51.45% |
| 31564 | J12b 18 | 26.51% | 56.59% |
| 31565 | J12b 78 | 28.42% | 61.12% |
| 31566 | J12c 20 | 16.17% | 34.78% |
| 31567 | J12j 25 | 21.79% | 46.86% |
| 31568 | J12K 25 | 22.69% | 48.80% |
| 31569 | J12a 54 | 21.62% | 46.50% |
| 31570 | J12b 55 | 24.58% | 52.86% |
| 31571 | J12c 59 | 17.64% | 37.94% |
| 31573 | J12d 65 | 26.68% | 57.38% |
| 31576 | J12a 92 | 24.02% | 51.66% |
| 31577 | J12b 93 | 32.04% | 68.91% |
| 31578 | J12c 94 | 27.28% | 58.67% |
| 31579 | J12d 94 | 17.84% | 38.37% |
| 31580 | J12f 103 | 26.14% | 56.22% |
| 31581 | J12a 109 | 29.06% | 62.50% |
| 31582 | J12b 111 | 35.43% | 76.20% |
| 31583 | J12c 114 | 32.95% | 70.87% |
| 31584 | J12d 117 | 34.25% | 73.66% |
| 31589 | J12a 73 | 22.56% | 48.52% |
| 31590 | J12c 75 | 16.75% | 36.02% |
| 31591 | J12n 29 | 23.47% | 50.48% |
| 31592 | J12n 76 | 24.91% | 53.57% |
| 31593 | J12c 19 | 25.03% | 53.83% |
| 31594 | J12d 19 | 28.62% | 61.55% |
| 31595 | J12p 30 | 17.53% | 37.70% |
| 31597 | J12i 61 | 27.25% | 58.61% |
| 31600 | J12c 96 | 25.74% | 55.36% |

Pliffs- Exhibit 12-12 = Filed Aug 22 - 1916
Wm W. Vanduyke Clerk By J. J. Green Deputy.



(SEAL)

Respectfully submitted,

Smith, Barry & Co.,

CHEMISTS & CHEMICAL ENGINEERS

No A-37-69- U.S. vs Devils Den. Coussid et al
" A-52 " " " vs Lost Hills Mfg. Co et al
" A-57 " " " " " " " " " " " "

Refs Exhibit "NK" Filed Aug-22-1916

Wm M Van Dyke cert.

By J F Green Deputy



Laboratory, 220 Loring Block, Riverside, Cal.

March 16, 1916.

Mr. Joseph Jenson, Mineral Inspector,

Department of the Interior,

General Land Office,

San Francisco, Cal.

Dear Sir:-

The following are the analyses of three samples received March 15th. The Sulphuric-anhydride (SO_3) was determined on the moisture free sample and calculated to percent pure gypsum-
 $\text{CaSO}_4\text{-}2\text{H}_2\text{O}$.

| Sample | % Gypsum. |
|------------|-----------|
| J 12 g 106 | 58.59 |
| J 12 f 113 | 64.32 |
| J 12 e 115 | 68.18 |

Respectfully submitted,

H. Coffman.

Consulting Chemist & Analyst.

No-A-37-Eg 218 vs Devils Den Basin Oil Bkt
 " A-52-Eg " " " Last Hills Wg Co et al.
 " A-57-Eg " " " " " " " " " "

Platts Exhibit "A" 105-

Filed Aug 22 - 1916

Wm Van Dyke Clerk

By J. F. Green, Deputy

(Deposition of Joseph Jensen.)

A. These are the reports furnished me by Smith, Emery & Company, and by H. Coffman.

The WITNESS.—(Continuing.) These show the results of the analyses made of the samples taken by me and sent to them to be analyzed by them.

Mr. MURPHY.—The Government now offers in evidence certificates of Smith, Emery & Company, and H. Coffman, known as exhibits “K” and “L.”

The WITNESS.—(Continuing.) I have prepared tabulations of the percentages of gypsum shown in the samples taken by me on the various subdivisions embraced in the five locations involved in this proceeding. I have tabulated them separately in my note-book.

Mr. MURPHY.—The Government desires to offer in evidence the tabulations made by Mr. Jensen, showing the results of the tests made on the various subdivisions of each location, and request that they be copied into the record at this point, beginning with the SE. $\frac{1}{4}$ of Sec. 30.

SE. $\frac{1}{4}$ Sec. 30, T. 26 S., R. 21 E.

(Map is Exhibit “E.”)

| Ten-acre Lot. | Sample and Point on Map. | Thickness of Layer Sampled. | Per Cent of Gypsum. |
|---------------|-----------------------------|--------------------------------|------------------------|
| NW. NE. SE. | f | 12 inches | 56.22 |
| NW. NW. SE. | g | 15 “ | 58.59 |
| SE. NE. SE. | e | 12 “ | 55.36 |
| NE. SE. SE.) | a | 12 “ | 51.66 |
|) | c | 6 “ | 58.67 |
|) | d | 12 “ | 38.37 |
| SE. SE. SE. | b | 18 “ | 68.91 |

(Deposition of Joseph Jensen.)

In excavating this material, mining would reduce the purity of the mined product from 10 to 20% from the percentage stated in [524] the above tabulation, since surface earth "inclusions" and material from below were excluded from the sample, but these would be included in mining.

NW. $\frac{1}{4}$ Sec. 30, T. 26 S., R. 21 E.

(Map is Exhibit "G.")

| Ten-acre Lot. | Sample and Point on Map. | Thickness of Layer Sampled. | Per Cent of Gypsum. |
|---------------|--------------------------|-----------------------------|---------------------|
| NE. NE. NW. | d | 91½ inches | 73.66 |
| N.½ NE. NW. | e | 18 " | 68.18 |
| NW. NW. NW. | b | 21-27 " | 76.20 |
| NE. SE. NW.) | c | 11 " | 70.87 |
|) | f | 13-3 " | 64.32 |

In excavating this material, mining would reduce the purity of the mined product from 10 to 20% from the percentage stated in the above tabulation, since surface earth "inclusions" and material from below were excluded from the sample, but these would be included in mining.

NW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E.

(Map is Exhibit "H.")

| Ten-acre Lot. | Sample and Point on Map. | Thickness of Layer Sampled. | Per Cent of Gypsum. |
|---------------|--------------------------|-----------------------------|---------------------|
| NE. NE. NW.) | a (bottom | — inches | 51.45 |
|) | of | | |
|) | trench) | | |
|) b | | 12 " | 61.12 |
|) b | | 18 " | 56.59 |
| NW. NE. NW.) | c | 3-6 " | 53.85 |
|) d | | (picked sample | 61.55 |
| | | 3 inches) | |

(Deposition of Joseph Jensen.)

| Ten-acre Lot. | Sample and Point on Map. | Thickness of Layer Sampled. | Per Cent of Gypsum. |
|---------------|-----------------------------|--------------------------------|------------------------|
| NE. NW. NW. e | | 12 " | 34.78 |
| SE. NE. NW. p | | 12 " | 37.70 |
| NE. SE. NW. k | | 6-10 " | 48.80 |
| NW. SE. NW. j | | 12 " | 46.87 |
| SW. SE. NW. i | | 12 " | 58.61 |

In excavating this material, mining would reduce the purity of the mined product from 10 to 20% from the percentage stated in the above tabulation, since surface earth "inclusions" and material from below were excluded from the sample, but these would be included in mining.

NE. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E.

(Map is Exhibit "I.")

| Ten-acre Lot. | Sample and Point on Map. | Thickness of Layer Sampled. | Per Cent of Gypsum. |
|---------------|-----------------------------|--------------------------------|------------------------|
| NW. NW. NE. | A | 12 inches | 48.52 |
| SW. NW. NE. | c | 18 inches | 36.02 |

(NE. $\frac{1}{4}$ Sec. 32, cont'd.) [525]

(NE. $\frac{1}{4}$ Sec. 32, contd.)

| Ten-acre Lot. | Sample and Point on Map. | Thickness of Layer Sampled. | Per Cent of Gypsum. |
|---------------|-----------------------------|--------------------------------|------------------------|
| NW. SW. NE.) | n | 12 inches | 53.57 |
|) | | | |
|) | n | 18 " | 50.48 |
| SW. SW. NE. | d | 3-6 " | 57.38 |

In excavating this material, mining would reduce the purity of the mined product from 10 to 20% from the percentage stated in the above tabulation, since surface earth "inclusions" and material from below were excluded from the sample, but these would be included in mining.

(Deposition of Joseph Jensen.)

SW. $\frac{1}{4}$ Sec. 32, T. 26 S., R. 21 E.

(Map is Exhibit "J.")

| Ten-acre Lot. | Sample and Point on Map. | Thickness of Layer Sampled. | Per Cent of Gypsum. |
|---------------|-----------------------------|--------------------------------|------------------------|
| NE. NE. SW. | a | 18-20 inches | 46.50 |
| NW. NE. SW. | b | 12-18 " | 52.86 |
| SE. NE. SW. | c | 18 " | 37.94 |

In excavating this material, mining would reduce the purity of the mined product from 10 to 20% from the percentage stated in the above tabulation, since surface earth "inclusions" and material from below were excluded from the sample, but these would be included in mining.

Mr. MURPHY.—Mr. Jensen, what is the significance of the tabulations showing the percentage of gypsum contained in the deposits on the lands in question?

A. The highest of these samples are found on the NW. $\frac{1}{4}$ of Sec. 30. The sample *b* is of extremely hard material of no proven extent. Sample *d* is of a very thin layer, the top portion [526] of which is very hard. The extent of this material is limited. To make any use of the material represented by these two samples would require the installation of crushing, drying and grinding machinery. The quantity of material present does not warrant the construction of even the simplest type of a gypsum mill. It would be impossible to produce a 70% gypsum from these products, and such a low grade material would not conform to the ordinary standard practices in California and the United States.

(Deposition of Joseph Jensen.)

The other samples illustrated above are of material containing 60% or even less. Mining of course would reduce the 60% samples to very near 50% or less. Such material would not pay for its preparation in a plaster mill even though this was a very simple mill, for the reason that the quantity of material that would call for the construction of a plaster mill is not present on all of the claims taken together.

Occasionally in the past among claimants of oil lands in the west side of the San Joaquin Valley, gypsite has been screened, sacked and sold, usually at a loss, to help bear part of the cost of assessment work. Such practice is not good practice. It is not followed to-day, nor has it ever been followed in any parts of the United States in the development of gypsum properties. Such usage for a land plaster would be limited to a very small district, and would only be possible because of the fact that the gypsite was near the place of use, and not because of the fact that the gypsite had any special value inherent within itself, since such deposits are extremely common throughout the west.

Mr. MURPHY.—In connection with the testimony of Mr. Jensen and the accompanying exhibits, I desire to state that this testimony is not offered for the purpose of showing the extent of the gypsum development work on the claims in question, inasmuch as a large part of this work was done subsequent to the application [527] for patent; but the purpose of Mr. Jensen's testimony with reference to

(Deposition of Joseph Jensen.)

his findings on the land in question is to show the character and extent of the common deposits.

Q. In connection with your examination of the lands in question, I will ask you if you took photographs at different points? A. I did.

Q. I hand you Government Exhibit "M," comprising 6 sheets containing photographs marked 1 to 11, inclusive, and ask you to identify the same.

A. These are copies of photographs taken by me in the Lost Hills.

The WITNESS.—(Continuing.) All were taken on the lands in question except photographs Nos. 1 and 2. These were taken on the SE. $\frac{1}{4}$ of Sec. 32, but the features which it shows are typical of the gypsite on the claims in question, and it is similar to photographs 7, 8, 9 and 10. These photographs correctly portray the view at the points taken. In addition to these photographs I have prepared a legend describing what these photographs represent.

Mr. MURPHY.—The Government now offers in evidence Government's Exhibit "M," being 6 sheets containing 11 photographs.

(Government's Exhibit "M," being photographs 1 to 11, inclusive, is in words and figures following:)
[528]

Port
Ex. M

7.10.27.07

0.8

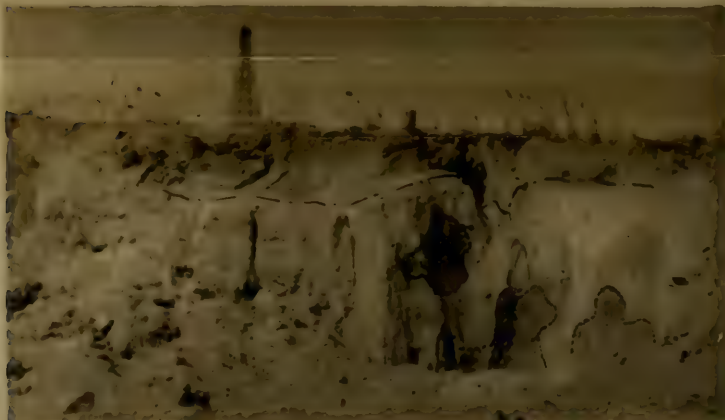
7.10.27.07
Ex. M

7.10.27.07



Photograph No. 1

without Marks of excavation



Photograph No. 2

Same as above, marked for identification.

Photograph showing inclusions of earth in gypsite and other features typical of the amorphous gypsite layer. Note that the surface soil is of irregular thickness. In removing the same over a large area with a plow and scraper this variability would be unknown. It would therefore result in mixing gypsite in the soil and soil in the gypsite. The dash dot line represents the upper surface of the gypsite layer. In all cases this dividing line is very distinct, the surface soil carrying no gypsite. The fine dash line around the darker places marks the dividing line between the gypsite and the earth inclusions. These earth balls are also generally devoid of gypsum. In addition to this spotted impurity the gypsite decreases in purity from its upper surface (the dot dash line) downward.

In all samples taken care was exercised so as not to include any earth balls or earth inclusions in the sample, but in mining such precaution would be impossible.

Part 1. Plugs - Exhibit "M". Field Aug. 22 - 1916
Wm. M. Van Dyke clerk
By J. J. Green deputy





Photograph No. 3

Manager's residence and directors' cottage to the right.



Photograph No. 4

Residence of Superintendent Stearns.

These improvements are located on the SW¹/₄ of Section 32. The photographs are intended to show that the soil on the Lost Hills, when irrigated, is capable of supporting all kinds of vegetation. Note the lawn in front of the Manager's cottage and the hedge of rose bushes and other flowers in front of the porch.

Part of Plots Exhibit "M" - Filed Aug 27-1906
 Wm M. Van Dyke Clerk
 By J. F. Jones, Deputy.





Photograph No. 5.

Photo taken from NW corner NW $\frac{1}{4}$ Sec. 30, looking SW towards Sec. 32. The foreground is absolutely the same as the entire west side of the San Joaquin Valley. The oil derricks in the distance mark the crest of the Lost Hills. The two oil tanks in the middle of the picture are near the corner of Sections 29, 30, 31 and 32. The two oil tanks at the right of the derricks are at the refinery and shipping plants on the SW $\frac{1}{4}$ of 32.



Photograph No. 6.

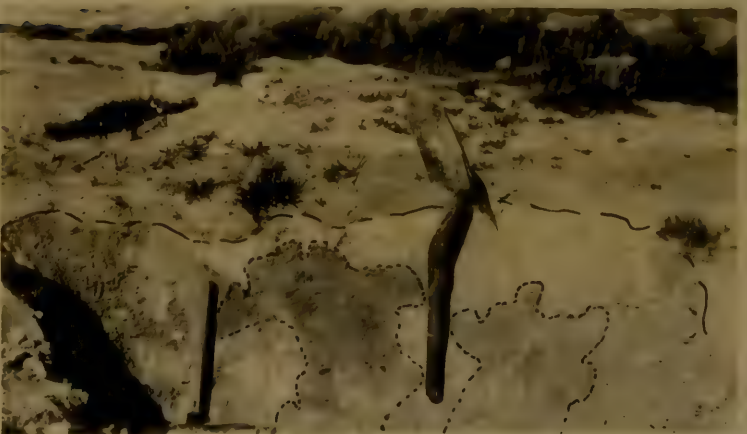
Photo taken near the west side of Section 32, looking a little north and east. The foreground is a grassy flat similar to many that occur throughout the west side of the San Joaquin Valley, being of special value for grazing in the spring time. The telephone pole in the foreground is in the center of a slight depression which crosses the Lost Hills in an easterly direction through the NE $\frac{1}{4}$ of Section 32. The oil derricks are on the crest of the Lost Hills. No gypsite whatsoever occurs in the region shown in the foreground. The deposits are generally confined to the slight elevations of the hill.

Part of Plate Exhibit "M" - Field Aug. 22, 1916
 With W. Van Dyke & Co.
 By J. F. Green & Co.





Photograph No. 7.
Unmarked photo taken on the west of Sec. 20.



Photograph No. 8

Duplicate of above photograph marked for purpose of explanation and identification. This photograph is typical of the gypsite included in sample d. e. NW Sec. 30, except that these two samples were so taken as not to include any of the earth balls or inclusions such as shown in the photograph. The surface has been partly cleaned of soil, presumably with a scraper. The depressions, however, are still filled with soil in which grass is growing. The more elevated places consist of the hard layer of amorphous gypsite.

The dot-dash line represents the upper limit of the gypsite layer and is the line formed by the intersection of the surface and the cut made for the purpose of sampling. The sample was taken at the extreme right of the picture in the best material exposed in the cut.

The fine dash line marks the dividing line between the earth inclusions and the gypsite. These earth inclusions were not taken as a part of the samples d. and e. The notches in the pick handle are each an inch apart. The gypsite layer itself varies in purity from its upper surface downward. In this picture it is richest at the underside of the shovel blade and decreases in purity downward to the end of the shovel handle. Even in the photograph this purity can be observed.

Part of
Philip E. Hubert
M.

Field Aug
22-1910

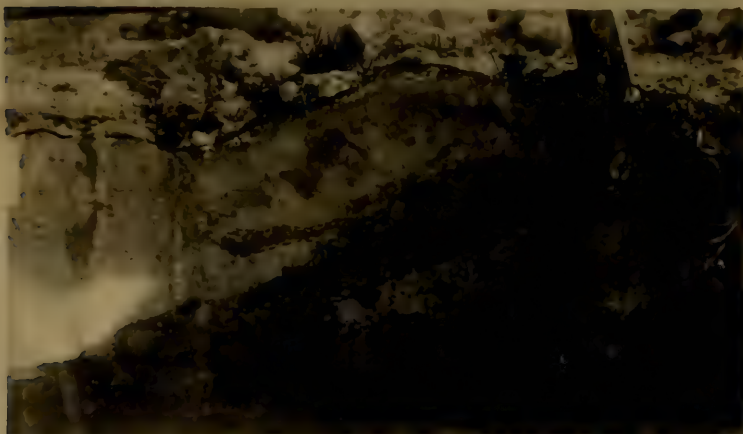
Wm W. Vauke
Lytle Creek

By
J. J. Gerry
Lytle Creek



Photograph No. 9

Unmarked photograph.



Photograph No. 10

Duplicate of above photograph marked for identification to show the manner in which the earth mass beneath extends up in the gypsite layer. Photo taken on the ~~right~~ of Section 20.

The dot-dash line represents the upper surface of the gypsite from which the overburden of surface soil has been removed.

The fine dash line represents a streak of earth extending into the gypsite and connected with the earth beneath. In sampling, such earth streaks were not included in the sample, but in any method of mining this would be impossible and the earth thus mined would materially reduce the purity of the mined product.

Part of Pliffs-Exhibit "M" Field Aug 22-1916
 Wm W. Van Hook, Clerk
 By J. J. Green, Deputy





Photograph No. 11

Photograph taken on the $N\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$ of Section 30.

The foreground of the picture shows gypsite which has been partially uncovered. The man's foot is on the pure hard shell which runs in a line back from him to the right. The shovel extends about three inches in the soil, which supports a growth of grass. Further to the right of the shovel another hard shell of gypsite is outcropping. This photograph illustrates very clearly the fact that any method of mining this gypsite by means of a plow and scraper would not secure a product nearly as pure as my samples since all samples were taken without contaminating them with surface soil, earth inclusions or gypsiferous earth from beneath the impure gypsite layer. Such impurities would amount to at least ten to twenty per cent according to the method of mining, since soil from above and earth from below would be included in the product as mined; hence all percentages of my sample taken by this method must be reduced about one-tenth to estimate the purity of any mined product.

Part of Papp Exhibit "M" Filed Aug 22-1916
 Wm. H. Zau & Co. Clerk
 By J. F. [illegible] Deputy

(Deposition of Joseph Jensen.)

Mr. REDDING.—I will stipulate that the exhibits are also offered independent of the legend, but with my objection to the photographs separated from my objection to the legend.

The WITNESS.—(Continuing.) The lands in question are being used for the production of oil. They are being used entirely for this purpose. They have been very fully developed. The greater part of the wells shown on my maps were producing wells.

I did not find any evidence on the ground of any *bona fide* attempts to recover gypsum in doing assessment work.

Q. Were you able to learn of the fact that any gypsum [529] recovery from the lands in question had been shipped for commercial purposes?

A. Since January, 1914, when I first visited this property, until the present time, there has been no production or shipment of gypsum. Between the time that I made a careful examination in October, 1914, of every piece of work, and the time I made a further examination in March, 1916, I observed that the various improvements were unchanged. The last work which had been done in them was the work done in taking my samples, the evidence of which still remains.

Q. Did you find any of the gypsum on the ground which had been prepared for shipment?

A. I found that at the point *a* on the NE. $\frac{1}{4}$ SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ Sec. 30 gypsum had been placed in cement sacks and assembled together, but at the time of my examination these sacks were rotten and some of

(Deposition of Joseph Jensen.)

them had broken open. The gypsum in the sacks had hardened so as to form a more or less solid mass.

The WITNESS.—(Continuing.) I made an investigation to ascertain whether or not any of this material had actually been shipped. I found that no gypsum had been shipped from this property, these five claims in question, for the purpose of selling. Dudley Brothers did haul one load from the NW. $\frac{1}{4}$ Sec. 30, but I was unable to find whether any payment had been made for this or not.

Q. What have you to say as to the comparative value and use of the land for gypsum and for oil?

A. The lands involved in this proceeding have no present value for gypsum, and no probable commercial value. They are extremely valuable for oil, and are now being developed exclusively for this purpose, and oil is being removed at a profit, so that commercial production is being obtained. [530]

The WITNESS.—(Continuing.) In my examination of the lands involved in this proceeding, I did not find on any of the claims gypsum of special value or exceptional quality, sufficient to constitute a basis for valid discovery. I did not find on any of the lands in question deposits of sufficient extent or quantity to justify a valid mineral discovery. The quantity of material exposed on the claims aside from lacking in quality is not sufficient to justify an expenditure necessary to install an ordinary plaster mill, such as would be the common practice in the gypsum industry.

Q. Did you find on any of the claims in question

(Deposition of Joseph Jensen.)

machinery or facilities of any kind whatever for the production of gypsum?

A. Aside from the fact that a plow and scraper could be used for excavating gypsum as well as an oil sump, I found no mining machinery whatever. There was no installation and no improvement of any kind that resembled or could be used for the purpose of a plaster mill.

Q. Did you make a study and estimate of the cost of mining gypsum on the lands in question?

A. At the time of my examination in October, 1914, the Universal Oil Company was paying 40¢ a cubic yard for having assessment workings conducted in gypsum-bearing material, on the SW.1/4 of Sec. 18, in a deposit similar to those in question.

In the oil fields generally, this figure is the common figure paid for making excavations of this type. On large contracts at Maricopa I did find that work had been done for 30¢ a cubic yard for loose earth. To secure a cubic yard of gypsum from a bed one foot thick would require the excavation of gypsite from an area at least 27 square feet. The overburden is usually a foot thick so that to secure a cubic yard of gypsum would require the [531] excavation of two cubic yards of material; one cubic yard of earth and one cubic yard of gypsum.

At the time of my examination such work was costing the Universal Oil Company 80¢, but the material was not being separated from the earth. Everything went into a common pile. Operation on a more extended scale would probably make a

(Deposition of Joseph Jensen.)

reduction in cost of excavation per cubic yard, but this would be more than balanced by the additional work entailed in separating the soil from the gypsite. Consequently, under conditions as I found them, it was costing about 80¢ to excavate a cubic yard of gypsum from a one-foot bed of gypsite when the overburden was one foot thick.

Q. Did you make an investigation in order to determine what it would cost to put this gypsite on the market, from the lands in question? A. Yes.

Q. What was the result of your investigation on this point?

A. This oil-field practice of screening and sacking gypsite and selling it for a land plaster has practically been discontinued, but in order to estimate approximately what such work would cost, the officials of the Universal Oil Company caused three workmen to screen and sack gypsite for one day in order that I might learn at what rate this work was being done. These men did this work in the fall of the year when the days were not so hot as they are during the summer months, so that their rate of working would be an average of what they would do during the year. These men screened and sacked a ton of gypsum for \$1.80. It required 25 to 28 sacks to contain a ton of gypsite because of its loose character. The material was placed in cement sacks that can always be returned to the cement companies for 5¢ a piece but which are [532] worth 7¢ a piece. The sacking for a ton of material would therefore cost from \$1.25 to \$1.75 a ton. I found that freight

(Deposition of Joseph Jensen.)

was being carried into the Lost Hills from the railroad station at Wasco for \$7.00 a ton, and that the freight for the main camp of the Universal Oil Company, under their contract, was \$7.00 per ton.

The cost of mining as practised at the time of my examination would therefore be 80¢ a ton; the cost of screening and sacking, \$1.80; the cost of sacks, \$1.25 to \$1.75; the cost of freight to the railroad, \$7.00 per ton. In addition to these figures, before the product could be sold it would have to pay some freight charge from Wasco to the point of use, and would also have to bear the overhead expenses, such as the necessary costs of salesmanship.

Q. What would be the total cost per ton of this product from the lands in question f. o. b. Wasco?

A. That would be the total of the figures which I have given, \$10.85 to \$11.35.

Q. What is the market value of gypsum at Wasco?

A. Ninety (90) to 95 per cent gypsum can be purchased at Wasco, sacked for \$7.00 a ton. Of course it is not proper to compare a 90% product with one which would contain 60% gypsum.

Q. Are there any deposits of gypsum of similar character in the San Joaquin Valley located closer to the railroad than the lands in question?

A. At McKittrick and Taft I found deposits similar in character, and even somewhat purer, than those on the lands in question, within a mile to two and a half miles from the railroad.

Q. Were these deposits being operated?

A. No, sir, they were not. The operations on

(Deposition of Joseph Jensen.)

the McKittrick deposit were suspended when patent was secured, for the [533] reason that they did not pay.

Q. What economic conditions in the San Joaquin Valley would tend to encourage the development and operation of gypsum as a commercial product, if, in fact, it actually existed in sufficient quantity and quality to justify its commercial use?

A. Gypsum from points outside of the San Joaquin Valley must pay a freight rate of \$2.50 to \$3.00 per ton to reach points of consumption in the San Joaquin Valley. The freight rate from Coalinga is \$1.10 per ton to the same points, and the rate from Taft is less than \$1.50 per ton. The gypsum producer would therefore have an advantage of \$1.00 to \$1.50 per ton in his freight rate if he could find a deposit in the vicinity of Taft, McKittrick or Coalinga. Gypsum contains about one-fifth water. In a plaster mill where gypsum is prepared by calcining, it is necessary to drive off practically all of this water, so that cheap fuel is a very important consideration. In addition, power is necessary for handling the product in the plaster mill. The oil fields of California form ideal conditions for such an industry, if a deposit were valuable.

In the first place, the plaster mill could buy its fuel directly from the producer, instead of from some refining company such as the Standard Oil Company or Associated Oil Company. By making a contract with the producer, such as these purchasing agencies do, the purchaser could save their profit.

(Deposition of Joseph Jensen.)

In the past in these oil fields there has been an unfortunate waste of natural gas. This natural gas could be purchased cheaply for fuel or for the operation of gas engines. The power companies of the San Joaquin Valley that generate power in the Sierras have transmission lines through all of the oil fields, so that the cheapest form of electrical power is also available or [534] could be available at any gypsum deposit in the oil fields that would justify its development. A deposit near the railroad in the west side of the San Joaquin Valley would have the advantage of freight rates, cheap fuel, and cheap power, as against present outside deposits of gypsum.

In addition to the gypsite in the west side of the San Joaquin Valley in the foothills, I inspected a deposit in the bed of the old Kern Lake, on the ranch of the Kern County Land Company. That deposit is as much as four feet thick, and only contains a two-foot overburden of soil. It is within two miles of the Sunset Railroad. Two samples of the material which I took carried 88% and 96.78% gypsum. When this deposit was first discovered its utilization was investigated, but no attempt was made to develop the deposit. [535]

State of California,

City and County of San Francisco,—ss.

I, J. D. Brown, a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn and authorized to administer oaths, etc., do hereby cer-

(Deposition of Joseph Jensen.)

tify that the witness, Joseph Jensen, in the foregoing deposition named, was by me duly sworn to testify the truth, the whole truth and nothing but the truth in said case; that said deposition was taken at the time and places mentioned in the caption thereto, to wit, at Room 206 N. 785 Market St., and at Rooms Nos. 411-17 Crocker Building, San Francisco, on the 5th day of April, A. D. 1916, and continuously thereafter until the 8th day of April, 1916, at which time and place the said deposition was completed; that the said deposition was taken in shorthand by Leonard M. Tongue, a competent and disinterested person by me for that purpose appointed, and was by him afterwards reduced to longhand typewriting; that before proceeding with the taking of the said deposition the said Leonard M. Tongue was by me duly sworn to report the proceedings and testimony given in shorthand and thereafter to render a true longhand typewritten report of same; that by and in pursuance of the Stipulation hereto attached, the reading and signing of the said deposition by the said witness, Joseph Jensen, was waived.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 19th day of April, A. D. 1916.

[Seal] (Signed) J. D. BROWN,

Notary Public in and for the City and County of San Francisco, State of California. [536]

Mr. HALL.—The plaintiff now offers and reads in evidence a certified copy of a deposition of Orlando D. Barton, which was taken in the matter of the ap-

(Deposition of Joseph Jensen.)

plication of the Lost Hills Mining Company, a corporation, for patent to mineral applications Number 03431, 03432, 03459, 03448, and 03457. I offer this deposition in 37, 52 and 57.

Mr. DUNNE.—That was taken in a proceeding in the Land Department?

Mr. HALL.—Yes.

Mr. DUNNE.—And you are offering it in this case as a proceeding in the Land Department?

Mr. HALL.—Yes.

Mr. DUNNE.—Was that covered by stipulation?

Mr. HALL.—Yes. It is offered only for the purposes of the receivership.

Mr. DUNNE.—But its admissibility was covered by the stipulation?

Mr. HALL.—By the understanding with Mr. Redding and Mr. McWilliams when we discussed the question of certified copies, and Mr. Redding said it would not be necessary, but that we could simply offer them.

Mr. DUNNE.—I should not oppose the general production of evidence that would be competent as to what someone said in some other proceeding.

Mr. HALL.—The same question was under consideration there as is under consideration here, and here we have a right on the application for a receiver and a motion for a temporary injunction to offer *ex parte* affidavits, and it was agreed between Mr. Redding and myself that we should offer these depositions without going to the work and bother and expense of either taking new [537] deposi-

(Deposition of Joseph Jensen.)

tions in this particular hearing—

Mr. DUNNE.—If that was a stipulation I have nothing further to say.

Mr. HALL.—I want to read this deposition because it gives the history of these transactions.

Mr. DUNNE.—I wish to object to it as incompetent. My objection being subject to any outstanding stipulation made by Mr. Redding.

The COURT.—Overruled.

Mr. DUNNE.—Exception.

(Thereupon Mr. Hall reads said deposition, which is as follows:) [538]

Testimony of Orlando C. Barton.

ORLANDO C. BARTON, being first duly sworn by the Register of the United States Land Office, at Visalia, California, testifies as follows:

Direct Examination.

(By Mr. REDDING.)

The WITNESS.—My name is Orlando C. Barton. I reside at Visalia, California. I have lived in Tulare County, California, for 50 years. Mining has been my occupation and business, mostly.

I am acquainted with the country known as the Lost Hills region, namely, Townships 25, 26, 27 S., Ranges 20, 21 and 20 and 22 East, Mt. Diablo Base and Meridian.

Q. I call your attention to the particular district of the lands involved in these contests, namely, Sections 30 and 32, in Township 26 South, Range 21

(Testimony of Orlando C. Barton.)

East, M. D. M., Kern County, California. The particular land being the NW. $\frac{1}{4}$ and SE. $\frac{1}{4}$ of Section 30, the NE., SW. and NW. $\frac{1}{4}$ of Section 32, in Township 26 South, Range 21 East. You were one of the original locators of these lands, were you not?

A. Yes, sir.

The WITNESS.—(Continuing.) I am acquainted with Charles W. Barrett. I am familiar with the existence of a contract between Barrett and the Lost Hills locators.

Q. This contract is dated in December, 1908. I simply call your attention to that fact. Were you out on the land involved in this contest that I have just described during the fall of 1908?

A. I was, but I don't think that I was there in December; I don't remember it.

The WITNESS.—(Continuing.) Why, I think I can refer to my memorandum books and find out whether I was there during the [539] winter of 1908.

Q. Did you see Mr. Barrett out there during the winter of 1908 and early in the spring of 1909?

A. Yes, I saw Mr. Barrett out there.

The WITNESS.—(Continuing.) He was going or coming over on Section 18. I didn't see him at work. I know that he had men employed at that time on the land. I saw them there. There was a man named Hugh Berry. At the time I saw him he was staying there and taking care of the property, the lumber and timber that was there.

Q. What lumber and timber was there that you

(Testimony of Orlando C. Barton.)

saw during the winter of 1908, and early in 1909?

A. Well, there were 3 cabins there, and lumber and some big timber for derricks and drilling.

The WITNESS.—(Continuing.) I first saw that lumber and timber there along in the winter of 1908 and '9, I can't tell exactly, I don't think my record shows exactly when I was there. I might find it. Mr. Barrett brought that lumber and timber in. I saw the teams going, when they went there. I recall that there was a man by the name of Butts, who was also engaged with Mr. Barrett in his work. He was one of the locators. I saw Mr. Butts when he was preparing and getting ready the men and teams to go over. That was about November, 1908. The winter of 1908 and '09 was very wet and the coldest winter we ever had over there. Ice froze all day, and it would snow, too, all day.

This lumber and this timber was brought in to build derricks and to be used setting up drilling rigs on Section 18, 30 and 32, Township 26, Range 21. This lumber was utilized for the construction of houses on some of these lands. I saw the houses after they were constructed. I occupied one of them [540] myself, and a part of the time another one. The house on 18 was about 12 by 16 feet, I think, with a porch on it. I built the porch myself, on the end of it. The other house on the SW. $\frac{1}{4}$ of 30 was a bigger house. It was made partly out of this lumber that was there on 18. That was the lumber that Barrett brought in. The houses that I refer to on 18 and 30 were used by the drillers that drilled up the land.

(Testimony of Orlando C. Barton.)

That is to say, the one on 18 was, or those on 18. The house on 30 was built there for the drillers, but they did not any of them move in to it while I was there.

The winter of 1908 and '09 was very wet at the beginning, and in November, it turned cold, and the drilling rigs along in the country were all shut down on account of the roads being bad, and ice would freeze on the ropes in the derrick all day long, in the month of December, and it got so cold, the oil men came out of there in the month of December; came out along the west side. I am describing the climate and winter to show you how it was .

When I was occupying that house, or those houses, on 18, I represented the locators of the Lost Hills, and also the Devil's Den Consolidated Oil Company. The Devil's Den Consolidated Oil Company at that time was working in territory west of this. But I was representing the Lost Hills locators with reference to these particular lands at this time. I was their agent, that I was one of 5 agents at the time. It was my business to look after the field.

I know that Barrett and Butts and the various employees had difficulty in getting their lumber and rigs material into this territory during this winter. The cause for that difficulty was that the flood in the spring of 1906 washed out the bridges across what [541] we call the Big Levee on the township line between there and Wasco. There were 9 bridges there, and as near as I remember there were three of those bridges washed out, and that let them down into the slough. The only way that a team could get a load into this

(Testimony of Orlando C. Barton.)

territory and on to these lands in the fall of 1908, was to go across the Wasco levee, and that is the way Butts came there. Mr. Barrett, Mr. Butts and myself employed 27 men there during the winter of 1908 and 1909, not counting Butts himself. They had twenty horses. I may have forgotten, it is possible they had 22 horses. But in round numbers about twenty horses.

Q. I call your attention and that of the other counsel to a map of the Lost Hills and the Devil's Den Oil fields, compiled by J. R. Thornton, Civil Engineer, Bakersfield, Kern County, California, Scale 1½ inches to 1 mile. September, 1913. This map at present is attached to a supplemental affidavit of J. D. Martin, dated April 7, 1915, and transmitted to Mr. Tallman, Commissioner of the General Land Office, with Mr. Martin's affidavit by myself. With the consent of counsel, I would like to utilize this map in asking Mr. Barton regarding certain approaches to this land. If you will look on this map, through here, at Township 26, Range 21, is marked thereon the township line between 26 S. and 27 S., running from east to west through ranges 22 E. and 21 E. is marked thereon. Will you please state whether or not Mr. Butts and Mr. Barrett and their men constructed a road, or dike, or crossings over the slough that lies east of this country, so as to get from Wasco west on to Township 26 S. and 21 E.?

A. They repaired the levee and bridges, beginning about a quarter of a mile east of the NE. corner of 27 S. 22 E.

(Testimony of Orlando C. Barton.)

The WITNESS.—(Continuing.) That would also be east of the SE. corner of 26–21. Beginning about there they repaired this part of the levee all along for something like a mile and a half, [542] and the bridges also that were in the levee along there. The bridges were at the east of the levee, I believe, did not go out. It was here (indicating on map) where they repaired the levee, between section—well, within half a mile of the township corner of 26–21, right along there is where they did the repairing.

Mr. REDDING.—That would be, with consent of the other counsel, on that south boundary of Sections 31 and 32, in Township 26, Range 22.

The WITNESS.—(Continuing.) I saw the results of their repairs, building up of the dam, and repairing the crossings. I went over this road myself. I did not see them transporting lumber and materials over this dike or over this road. I saw the work. I was there afterwards. I also saw they were starting the lumber, but I did not see them when they were here. I know they did that work there. They did it as they were moving in, with the horses and men to which I have referred. Butts, with his men, they couldn't get across without repairing it. From that time, down to the present, and during the period in which the various development work was done in Township 26, Range 21, of Sections 30 and 32, the means of getting in on to the sections from Wasco and from the outside world, was across the same levee. It was bad all the time and is bad yet. We

(Testimony of Orlando C. Barton.)

kept up the road and dikes in the crossings by rebuilding it and reconstructing it from time to time, up until the time the county took charge of it. Then the companies in there assisted the county on that levee.

There is a slough running about north and south on the line of Township 26, range 21. It is the slough that I referred to before, over which there were bridges that were broken down. On the maps of Tulare and Kern county, called Buena Vista slough, all the way across there. It is part of old Tulare Lake. I have [543] seen it when it was full of water.

Prior to the time when Barrett and Butts were busy on this work in the fall of 1908, there were no roads on Sections 30 and 32 in township 26, range 21. I know that Barrett, Butts and myself built roads on Sections 30 and 32. Barrett and Butts built the road which passes generally through the SE. $\frac{1}{4}$ of Section 32 to the NW. $\frac{1}{4}$ of Section 32, in Township 26 S., Range 21 E., and thence across Section 30 in a northwesterly direction into the NW. $\frac{1}{4}$ of Section 30, thence turns northeast on to Section 19. The road is not all marked on there.

Q. Will you state what you know of the road, what the road does consist of, that is not marked?

A. The cabin on Section 18 where I stayed, right close to the crossing.

The WITNESS.—(Continuing.) The SW. $\frac{1}{4}$ of Section 18, in Township 26 S. and range 21 E. The road goes over on to Section 24, in township 26, range

(Testimony of Orlando C. Barton.)

20, close to what we call the sulphur beds. Then follow this road we have been describing across here. The roads run over on to the NE. $\frac{1}{4}$ of Section 24, township 26 S., range 28, thence it runs southeasterly, passing over Section 30, from the northwest quarter of Section 30 to the NE. $\frac{1}{4}$ of Section 30. Thence from the northwest corner of Section 32, in a southeasterly direction, down across Section 32 to the township corner of Section 32. J. H. Butts built that road under the direction of Barrett and the Square Deal Oil Company. That road is still there; it was the last time I was over there. It is over two years ago. Late in 1909; there is a big gulch that we call the Arroyo Grande that runs across Section 19, and this road from Section 18, across on to Section 24, to get around the head of that gulch. Down in that gulch there I did my first work there of grading and fixing that gulch. That was late in 1909. This road [544] that I have described comes down on to the township line between township 26 S., and township 27 S. It connects with the road and crossings and dikes that Butts and Barrett built to cut across the slough on to this property.

The road from the SW. $\frac{1}{4}$ of Section 31, township 26 S., range 32 E, commencing just after the slough is crossed, and then going west along the boundary line between the two townships, till you get to the SE. $\frac{1}{4}$ of Section 32, is a country road. That is a graded road. It was a graded road at that time. And starting in at the SE. corner of Section 32, and then going northwest is the road that Butts and Bar-

(Testimony of Orlando C. Barton.)

rett built upon to these properties.

Q. On whose behalf did you work on the road that we have mentioned, for whom?

A. I represented two companies. That is the Devil's Den Consolidated Oil Company, and the locators of the Lost Hills.

The WITNESS.—(Continuing.) This road had to do with the Devil's Den Company at that time because in order to get on the NE. of Section 30 at the start, we either came around Section 18 or else came around and came up this little road there. That is the way we got in there first, was to come around this way, and come in from the west, along the road crossing sections 30 and 32.

This road that I have been describing was necessary in order to reach the NE. $\frac{1}{4}$ of Section 30, as well as the other portions of Section 30, when I first went there.

Mr. REDDING.—We offer in evidence the map that we have just identified as being attached to Mr. Martin's affidavit, and transmitted to the Commissioner, and ask that it be marked as Exhibit "A," with reference to Mr. Barton's testimony.

(The map just referred to as exhibit "A" in Mr. Barton's deposition is introduced in evidence in the record at the hearing upon motion for receiver and marked Defendant's Exhibit "B" in suit A-52 Equity, United States v. Lost Hills Mining Co.)

(Defendant's Exhibit "B" is in words and figures following:) [545]



T. 26 S. R. 20 E.

LOST HILLS

T. 26

T. 27 S. R. 20 E.

Filed Aug 25-1911:
 Wm. H. Van Dyke Clerk By J. J. Turner Deputy

MAPS OF OIL FIELDS
\$2.50 Each.

(Testimony of Orlando C. Barton.)

The WITNESS.—(Continuing.) This road, and filling in across the slough, and the road across Section 32 and 30, which you have described were necessary in order to get on and [546] develop these properties. There was no way to get on to these properties with heavy teams at that time, that was practicable, except by this method.

I did not see the lumber and material which Mr. Barrett brought in, coming over this road, but I saw it when it was there. I saw them fixing up to make the start.

I didn't see them fixing up this road at that time. I saw them fixing up the road later on.

Q. Describe what you saw them doing, if you can, generally.

A. I was not there in December, 1908, as I told you, but in the spring of 1909, I was there frequently, and through the next summer, how often I cannot tell you.

The WITNESS.—(Continuing.) During the spring and summer of 1909, I saw Butts getting water up from the slough, on a sheep road that runs from Section 18 down across here. I went with Butts once or twice to Section 18, he made a road down here, to run across the north line of Section 19, down here, to get water out of the slough. I was with him. Down here in this part, it did not take much to make it, but it did take considerable work up on Section 18. I saw them working on the road that crosses Section 30 and 32 from the northeast to the southwest after the spring of 1909, but not before.

(Testimony of Orlando C. Barton.)

I saw them hauling lumber and fixing gulches, and more particularly leveling on the sand knolls that lay there, that they could not pull through. The principal work was to level down those sand knolls; they were about three feet high, and run from the northwest to the southeast, and were about 7 or 8 feet wide. And it was impossible to get over them with a big team without work.

I have been over this road frequently since the spring [547] of 1909. I went over this road the last time I went out there two years ago. I came out this road the last time I was there. I came from the northwest to Section 30, right down this road. That is the road that was used at that time by the people in the occupation of Sections 30 and 32. It was oiled at that time. It was an oil road.

I was familiar with the contract that Barrett entered into with the locators of the Lost Hills covering the lands involved in this matter here, at the time it was made, and afterwards. I can guess at it pretty close about what time that agreement would elapse.

Q. It is agreed tentatively that the date upon which Mr. Barrett's rights under his contract of December, 1908, would elapse, is June 3, 1909. Bearing that date in mind, I would like to have you state generally, how frequently you were out on Sections 30 and 32, at the end of the winter and throughout the year 1909, prior to June 3.

A. Well, I can remember twice now, and I think I was out there six or seven times.

Q. Was Mr. Butts there when you were there?

(Testimony of Orlando C. Barton.)

A. I went with Butts there—not when he was doing the work, in the fall of 1908, though.

The WITNESS.—(Continuing.) In the spring of 1909, after he had finished this work, I saw Mr. Barrett frequently at Hanford, and I met him on the road from there to the Lost Hills. He was trying to get a well started at the Lost Hills, and putting in a good deal of his time down at San Jose and San Francisco trying to raise money. I did not know at the time how much money he had expended on this property during the winter of 1908 and the early spring of 1909, it was something like \$4,000. Representing the locators as their agent out there, and from my knowledge of what Mr. Barrett had done, and what he had to do, in the spring of 1909, it was my opinion that he would not carry out the contract. I reported this to my principals. [548]

Q. To whom?

A. The other four agents, generally Judge Wallace. I always found him in the office here.

Q. I call your attention to the fact that the Lost Hills Mining Company was organized in the spring of 1909, the record shows, and counsel agrees with me, that the Los Hills Mining Company was organized March 13, 1909, and that the stockholders of this company were each and all of the locators of these particular lands which are involved in this matter. Also counsel will agree with me that Barrett's, that the Barrett contract was outstanding at this time, and had not lapsed because it did not lapse till

(Testimony of Orlando C. Barton.)

June first. You spoke of Judge Wallace, to whom do you refer?

A. The Superior Judge of Tulare County at the present time.

The WITNESS.—(Continuing.) He was one of the Lost Hills locators on these lands. He became one of the incorporators of the Lost Hills Company.

Q. Was he president?

A. No, Butts was president.

Q. What did you state to Judge Wallace regarding Barrett's labor and his ability, or inability, to carry out the contract?

A. Well, I stated to Judge Wallace that I thought Mr. Barrett could not raise any more money, that he had got all the money he could raise, early in the season, and that when his time was up, that would be all that Mr. Barrett could do, that he had failed.

The WITNESS.—(Continuing.) I reached that conclusion along in the month of January. I reached his conclusion principally from conversations with J. N. Hoyt, a man that was well acquainted with Barrett, and well acquainted with Butts, and was [549] with me more or less all the time in making the locations, and afterwards. He was one of the locators, and he told me that Barrett could not make good, that he was all in, that he could not raise any more money, and that was along about January, 1909. It was that early. I made a recommendation to Judge Wallace on behalf of the other locators, and on behalf of the Lost Hills Mining Company, which was afterwards organized, and kept it before his

(Testimony of Orlando C. Barton.)

mind, that if possible we would get Ed Dudley to drill a well on there in case Barrett did fall down. And if we could not get him, why, take somebody else that we knew would drill a well; that the sooner that we got busy to get somebody else, the better, because Barrett was going to fall down. That was the talk I had with Judge Wallace. I made this recommendation to my associates in the winter just before the spring. My principals, the locators and this company, authorized me and instructed me to get in contact with other drillers in the spring of 1909. They appointed me a committee to look up, or interest anybody that could put a well down in the Lost Hills. This authority was given me by the locators, individually, and by the company after it was formed, both. After the company was organized I think they passed a resolution authorizing me to get somebody to put a well down there.

Q. I will state to counsel that we will introduce the record and minute-book of the Lost Hills Mining Company, and show by the records that they had a meeting there the very day after the Barrett contract lapsed, in which they passed resolutions refusing to extend the Barrett contract, and authorizing Mr. Barton and others to complete negotiations which had already been under way, with reference to other drillers. I have not got the record here, but we will introduce it in San Francisco. Did you come in contact and personally meet any other drillers during the spring [550] of 1909? A. Yes, sir.

The WITNESS.—(Continuing.) In the first

(Testimony of Orlando C. Barton.)

place, I will mention E. R. Dudley. He had an office here, and I talked to him nearly every day. I was in Visalia about the proposition, and I met the driller for George R. Anderson Company, and tried to get him interested in it. It was a Visalia Company.

I remember being in Hanford. I met E. R. and B. B. Dudley in Hanford. They were ranchers here near Visalia, and had an office here in town.

Q. Had they been engaged in the oil and mining business?

A. Yes, sir, they were in the oil mining business.

The WITNESS.—(Continuing.) E. R. Dudley was a good driller, and I considered him the best driller that I knew. I saw him in Hanford. That was in the spring of 1909, April or May sometime, along there in the spring. I could hunt it up in my journal, I suppose. It was in the spring of 1909.

Q. What arrangements did you make with Dudley on behalf of the Lost Hills Mining Company at that time, with reference to this property?

A. I told Ed and Ben Dudley to let—The Devil's Den Company, I have forgotten the rest of it—to let it alone, and go down to the Lost Hills where they could make millions in the place of thousands of dollars. They were about to sign up a contract with the Hanford company to drill on their land, over in the Kettleman Hills. After I had talked with them about 10 minutes, why, Ed Dudley says, "We won't sign this contract with Ed Bush and the Hanford firm there," and he says, "We will go down to the Lost Hills and I will put down the well myself."

(Testimony of Orlando C. Barton.)

That was satisfactory to me.

The WITNESS.—(Continuing.) I cannot recall what month [551] that interview occurred, I have got confused about it. It was in the spring of 1909. It was prior to the time that the Barrett contract lapsed.

Following his interview I came down to the Lost Hills territory and upon Sections 30 and 32, with these gentlemen. John Martin was with us then. Martin and Dudley both. We went down in an old White Steamer automobile.

Q. What did you do with them when you reached the property involved in this matter; what did you do, and what did they do? First, about how soon after this interview did you bring them down there?

A. Well, I can't remember that. It was not long after the interview that we went down there.

The WITNESS.—(Continuing.) I think it was not over two weeks. I took them there and showed them the indications of oil, and showed them what we called the bubble on Section 19, Township 26, Range 21. And we walked along the apex of the anticlinal fold north of there. And I also showed them the place where I thought was the best location to drill on the government land in 26-21. That included section 30 and 32. It was on Section 30. And I was there with them afterwards, I can't tell you how many times. Then I saw them there when I was there with other men. I saw Martin and Dudley there. I afterwards spoke to Martin and Dudley in Visalia in connection with this business. I met them

(Testimony of Orlando C. Barton.)

with other stockholders and locators of the Lost Hills territory covering this land. With the Dudleys, we were discussing the kind of a rig, and how deep it was to oil, and what the expense would be and how to get in there and out. That was my conversation with the Dudleys. But our attorneys were busy with Martin and Dudley, fixing up a contract. Of course I believe they were a long time [552] at that.

Q. Were those associations continuous through the spring and summer of 1909?

A. Well, the first contract was closed. There were supplemental contracts that were continued and discussed all along during the year 1909 and '10.

The WITNESS.—(Continuing.) I went out with Martin and Dudley, or their employees or agents, during the summer of 1909, on this property. I remember twice, and I remember seeing them there once when I was with Dan Overall with some other parties from Visalia.

Q. You spoke of some oil company that Barrett was interested in through the sale of the stock of which he wanted to raise the money. What was the name of that company, the Square Deal Oil Company? Do you remember that?

A. Yes, sir, that was the name of the company that was doing the work, that Butts was doing the work for.

JMS.
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